

**FRUITLAND TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 19, 2011  
MINUTES**

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

**ALSO PRESENT** – Two (2) interested parties.

**CALL TO ORDER** – Supervisor St. Amour called the Monday, September 19, 2011 Regular Meeting to order at 7:00 PM, welcomed those present and led the pledge of allegiance.

**AGENDA** – Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to accept the September 19, 2011 Regular Township Board Meeting Agenda.  
*Upon Voice Vote: 7 AYES*

**PUBLIC COMMENT** – There was no public comment.

**MINUTES** –

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to accept the August 15, 2011 Regular Meeting Minutes.  
*Upon Voice Vote: 7 AYES*

**RECEIPTS & DISBURSEMENTS** –

Motion by Treasurer Beegle, second by Trustee Binns, **ADOPTED**, to accept the Receipts of \$108,759.20 and Bank Balance and Certificate of Deposits of \$1,164,858.61 for the period of August 1, 2011 through August 31, 2011 as reported by Melissa Beegle, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$42,405.26 and Fund 130 Disbursements in the amount of \$1,463.27 for the period of August 1, 2011 through August 31, 2011 as reported by Karolyn Rillema, Fruitland Township Clerk.  
*Upon Voice Vote: 7 AYES*

**ANNOUNCEMENTS/COMMUNICATIONS** – Supervisor St. Amour reported that the weather station at the WRLS is currently down but Dave Ridders is ordering a new transmitter to get it operational. On October 1, 2011, a time capsule ceremony for the City of Whitehall Sesquicentennial will take place at 2:00 PM at the Whitehall City Hall. The Blue Lake Fire Department is hosting an Open House on October 4, 2011. Supervisor St. Amour responded to a letter from Mr. Kobza regarding the speed limit request with the decision of the MCRC meeting. An email was received from resident James Pitney expressing his disappointment with coverage provided by Comcast because of a power outage and is holding the township responsible because of the franchise fee paid to Fruitland Township. A letter was received from Ohio residents Mr. & Mrs. Clarke and Ms. Meier praising Curator McDonnell and Fruitland Township for the outstanding historical White River Light Station. Muskegon County is hosting a Household Hazardous Waste Disposal Collection on

## FRUITLAND TOWNSHIP SEPTEMBER 19, 2011 REGULAR MEETING MINUTES

Saturday, October 15, 2011 from 9:00 AM – 1:00 PM at 930 Pine Street, Muskegon, MI 49442. This event is open to all Muskegon County residents. A letter was received from Attorney David Covell, representing resident James Pitney requesting reimbursement for alleged electrical code violations performed on his pool and emergency generator. Attorney Even has been emailed the letter and will be speaking to Mechanical/Electrical Inspector Pulaski for information regarding 3674 E. Scenic Woods Circle.

### COMMITTEE/BOARD UPDATES –

- White Lake Ambulance Authority – Trustee Bard reported that WLAA has contracted with a new auditor from Ludington. The audit for fiscal year 2009-10 is being completed and fiscal year 2010-11 will be completed by year end. The building committee is researching a potential new site to house the WLAA. Trustee Bard reported that 225 calls were received last month with 175 of those being billable.
- White Lake Fire Authority – Treasurer Beegle reported that the WLFA is not interested in a practice burn for the brush pile at the ecology station. Captain Holman will quote the cost to burn the pile using firefighters of the WLFA. The personnel committee has met to discuss details of the position of Fire Chief. The 2011-12 budget hearing is scheduled for September 22, 2011.
- Parks & Recreation Commission – Supervisor St. Amour reported that a deposition of James Duncan will be taken on for the Marcus Park Lawsuit.
- Planning Commission – Trustee Deur reported that the ordinance review committee disbanded and ordinances/projects were given to subcommittees to review going forward. A letter signed by all Planning Commission members was read and recorded in tonight's minutes requesting reconsideration of the July 18, 2011 decision regarding Section 3.23. The letter can be located on back page.
- Zoning Board of Appeals – Clerk Rillema reported that the Zoning Board of Appeals met on September 12, 2011 and approved variance as submitted for James/Julia T. Hegedus, parcel #61-06-102-400-0002-00 for the continued use of an existing accessory building used in connection with an Agricultural use in the Low Density Residential (LDR) / Agricultural Overlay District with said building becoming less than 200' from a lot line of a proposed parcel requested to be created for mortgage purposes only.
- Citizens Advisory Wireless Committee – Trustee Deur reported that continued requests from citizens to encourage Frontier to expand DSL coverage in Fruitland Township can be directed to 722-2151.
- Citizens Advisory McMillan Road End Committee – Supervisor St. Amour spoke with Jeff Auch of the Muskegon Conservation District and the start date for the stairway project at the McMillan Road End is October 4, 2011. Consumers Power has removed several of the posts at the road end for cleanup work.

FRUITLAND TOWNSHIP SEPTEMBER 19, 2011 REGULAR MEETING MINUTES

Motion by Trustee Bard, second by Trustee Binns, **ADOPTED**, to move to accept Ordinance 100-107, Article 61 – McMillan Road End and instruct the clerk to publish as required.

*Upon Voice Vote: 7 AYES*

- White Lake Public Advisory Committee – Trustee Deur reported that the presentation that Tanya Cabala presented to the Board of Trustees on the White Lake Shoreline Habitat Restoration Project at the September work session would be available through PDF form and should be forthcoming to Supervisor St. Amour to share with the community.
- Fred Meijer Berry Junction Rail Trail – Supervisor St. Amour reported that Phase I is almost complete as benches are being installed in various areas. A request to the County of Muskegon for passage through county owned land for the Final Phase has been asked and funding is being secured.
- White River Light Station – Curator McDonnell was not in attendance. Clerk Rillema stated that she has completed the grant application information requested of her and will be forwarding it back to Curator McDonnell for final completion.

FRUITLAND TOWNSHIP  
RESOLUTION 2011-17  
DEPARTMENT OF STATE FOR THE  
MICHIGAN LIGHTHOUSE ASSISTANCE PROGRAM

*WHEREAS*, Fruitland Township wishes to file an application to the Department of State for the Michigan Lighthouse Assistance Program, and;

*WHEREAS*, funds are available from the Michigan Lighthouse Assistance Program to benefit the White River Light Station, and;

*WHEREAS*, an application for request of \$12,000.00 for the painting preservation project at the White River Light Station will be completed and submitted by November 30, 2011.

*NOW, THEREFORE, BE IT RESOLVED*, that the Fruitland Township Clerk is authorized and directed to file an application for \$12,000.00 for the painting preservation project at the White River Light Station, sign the grant agreement, any grant agreement amendments, other agreement related documents and the required historic preservation easement on behalf of Fruitland Township.

Motion by Clerk Rillema, second by Treasurer Beegle, **ADOPTED**, Resolution 2011-17 Department of State for the Michigan Lighthouse Assistance Program.

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

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

“**NAY**”: None

“**ABSENT**”: None

**BE IT RESOLVED THAT**, Resolution 2011-17, Department of State for the Michigan Lighthouse Assistance Program was adopted at the September 19, 2011 Regular Meeting of the Township of Fruitland.

Karolyn Rillema, Clerk  
Township of Fruitland

**OLD BUSINESS –**

1. Ordinance Enforcement –
  - 1490 W. Duck Lake Road – Supervisor St. Amour explained that the last step of a letter that was to be sent by Attorney Stoffan was never completed and the property will be taken off the enforcement list for now.
  - Multiple Worden St. Properties – Supervisor St. Amour asked Deputy Ashker to take a look at those few remaining properties.

## FRUITLAND TOWNSHIP SEPTEMBER 19, 2011 REGULAR MEETING MINUTES

- 2737 Scenic Drive – Supervisor St. Amour has asked Building Official Siegel to inspect the property for unsafe building/potential condemnation.
  - 2596 Lakewood – Deputy Ashker reported that the property owner was ticketed for garbage today but it appears that the number of dogs at the premises now are in compliance with the ordinance.
  - 4565 Lorensen – Supervisor St. Amour has asked Building Official Siegel to inspect the property for unsafe building/potential condemnation.
  - 5110 Orshal Road – Supervisor St. Amour asked Deputy Ashker to re-inspect the property as it appears that additional items are now on the premises.
2. WRLS – Sable Point Lighthouse Keeper’s Association – Supervisor St. Amour stated he attempted to contact Attorney Stoffan and has received no communication back from her regarding the status of the concession agreement.
  3. Land Conservancy – Supervisor St. Amour stated no rescheduled date at this time.
  4. Duck Lake Road Reduce Speed Limit Request – Supervisor St. Amour stated that after a conversation with the MCRC, quotes for both a potential sidewalk and hillside removal at Duck Lake Road and Scenic Drive will be available for the October work session.
  5. Forestry Contracts –

Motion by Supervisor St. Amour, second by Trustee Deur, **ADOPTED**, to authorize Supervisor St. Amour to sign contracts with Perry Cousineau for forestry products in Section 21 and Pulpwood and Forestry Products, Inc., for red pine logs 6” diameter (i.e. utility poles) in Section 3.  
*Roll Call Vote:* Trustee Bole **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE**
  6. Chipper – Supervisor St. Amour stated that he has requested quotes from two firms for chipping the brush pile at the ecology station.

### NEW BUSINESS –

1. Transfer Station Consolidation/Lease – Supervisor St. Amour stated that talks regarding consolidation with Dalton Township continue. Supervisor St. Amour also spoke with our representative of Allied Waste and inquired about interest of anyone taking over the ecology station.
2. Fruitland Township – Solicitation – Supervisor St. Amour stated that several concerned residents inquired about solicitors in the township. Attorney Even has been asked to present the pros and cons at the October work session.
3. Uniform Traffic Code Ordinance – Supervisor St. Amour stated that he requested Attorney Stoffan to follow up on a traffic violation that occurred in Fruitland Township which ended up being more involved than anticipated. At the work session, Attorney Even explained the process and that most violations will require minimal attorney counsel.

FRUITLAND TOWNSHIP SEPTEMBER 19, 2011 REGULAR MEETING MINUTES

4. Board Comments – Treasurer Beegle reported that 93% of summer tax has been collected. Treasurer Beegle received clarification from an MTA newsletter regarding the requirement of a “dashboard” for townships/cities/villages that it is only required for those few that receive statutory revenue and is not required yet for constitutional. Treasurer Beegle also thanked Deputy Ashker for his assistance with a suspected “counterfeit” bill that was received by Fruitland Township staff. Clerk Rillema stated that 2<sup>nd</sup> quarter budget amendments will be reviewed at the October work session.

**ADJOURNMENT –**

Motion by Treasurer Wilks, second by Trustee Bole, ***ADOPTED***, to adjourn the August 15, 2011 Regular Meeting of the Township of Fruitland at 7:55 PM.

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

Respectfully Submitted,

Karolyn Rillema, Clerk  
Township of Fruitland

***The following letter is the unanimous view of the Fruitland Township Planning Commission and approved at their September 7, 2011, meeting.***

To: Fruitland Township Board  
Sam StAmour, Supervisor  
Karolyn Rillema, Clerk  
Melissa Begle, Treasurer

Mary Ann Bard, Trustee  
Norma Binns, Trustee  
Gary Bole, Trustee  
Jan Deur, Trustee

As you know, most of the Planning Commission members were present at your July 18, 2011, meeting where the Board voted 4-3 to reject the Planning Commission's recommendation to amend Section 3.23 of our zoning Ordinance.

At this time we want to thank the three members that supported the Planning Commission's recommendation. Your vote of support was very important for us to hear.

The Planning Commission has worked diligently on this language ever since the litigation regarding the nonconforming structure on Murray Road revealed flaws in our existing ordinance language.

Using professional advice, as well as researching and incorporating language comparable to what many other Michigan townships have adopted, the Planning Commission developed a viable and reasonable proposal. It is unclear to us why the Board chose to reject the amendment. Statements were made by certain board members about "restricting landowners' property rights", but the board failed to consider the rights of neighbors, which, in a zoned community, is a significant consideration.

It is unfortunate that the Township Board is not willing to correct zoning ordinance provisions that have caused problems in the past, and we sincerely ask that you reconsider your decision of 7/18/11. We are willing to meet with you at any time to discuss specific ideas that you might have. If you are unwilling to do so, we question the wisdom of continuing our efforts to clean up the language in Section 3.23 of our zoning Ordinance which speaks to "structures and buildings". If the board is unwilling to consider reasonable restrictions on nonconforming structures, then we do not understand how the board proposes to deal with such situations, and controversies such as we have seen in the recent past in our township, will likely continue in the future.

As you may remember, the "uses" part of Section 3.23, has yet to be addressed. We are proposing that The township Zoning Administrator and our planning consultant develop some language for the Planning Commission to consider addressing the concerns in Section 3.23 regarding the "uses" and the range of potential solutions. Once that language has been developed, we propose that the language be reviewed by the township attorney. We hope that you will contact us with any specific thoughts that you have regarding nonconforming uses, before we expend too much time and expense in developing our solution.

Please contact the Planning Commission with any questions or comments regarding this matter. Thank you.

From: Fruitland Township Planning Commission  
Carol Kooistra, Chairperson  
Tom Thompson, Vice-chairperson  
Jan Deur, Board Liaison

Willie Josephson, Member  
Brian Lernowich, Member  
Steve Nagengast, Member  
Dave Roesler, Member