

**FRUITLAND TOWNSHIP BOARD  
WORK SESSION  
AUGUST 9, 2010  
MINUTES**

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

**ABSENT:** Trustee Bole

**ALSO PRESENT:** Attorney Eklund and five (5) interested parties.

**CALL TO ORDER:** Supervisor St. Amour called the Monday, August 9, 2010 Work Session of the Township of Fruitland Board to order at 10:02 AM at the township hall.

**AGENDA:** Accept or amend the Monday, August 9, 2010 Agenda.

Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to accept the August 9, 2010 Work Session Agenda.

*Upon Voice Vote: **6 AYES 1 ABSENT***

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

**OLD BUSINESS:**

1. Marcus Dunes Development –

Motion by Trustee Bard, second by Trustee Binns, **ADOPTED**, to unsuspend to allow for comments from the audience on this topic.

*Upon Voice Vote: **6 AYES 1 ABSENT***

Dennis Dunlap of Westshore Consulting stated that his firm has been working on this development with thirteen (13) sites since 1990. Fruitland Township approved this development and the DEQ approved seven (7) of the thirteen (13) sites to be developed. Recently, approval from the DEQ was received to develop the remaining six (6) sites. Several discussions and correspondence has been dispersed between the WLFA and the developer (Jerry Henning) but an agreeable compromise has yet to be found. The issues at hand are the width of the driveway and the cul-de-sac width requirements due to the area which is critical dune land. The grade of the driveway is obtainable.

Bill Traynor, representing the homeowners association of Marcus Dunes, stated that the current homeowners approve of the future development and proposed changes by Jerry Henning. Supervisor St. Amour stated that he received written correspondence from the Traynor, Zwemer and Peel families in support of the development and proposed changes.

Jerry Henning thanked the Board of Trustees for approving this project. His frustration is that a stop work order was issued by the White Lake Fire Authority (WLFA) even though no work was started. Discussions for over a year have not resulted in an agreeable compromise. Mr. Henning's attorney does not feel that the current adopted fire code can enforce changes to the existing roadway but is willing to make some modifications to ensure

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that fire safety equipment can access the development. Mr. Henning handed out an amendment prepared by Attorney Zimmerman to the Fire Code for the Board of Trustees' to consider adopting.

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to suspend open floor discussion.

*Upon Voice Vote:* **6 AYES 1 ABSENT**

Trustee Deur stated that the health, welfare and safety of our residents is our main concern and asked Attorney Eklund if there was a legal risk if we continued under our current language for driveway construction. Attorney Eklund felt that we have governmental immunity.

Supervisor St. Amour stated that more discussion on this issue would be discussed at the Monday regular meeting.

2. 1562 Duck Lake Road – Attorney Eklund stated that he has had conversations with the property owner regarding the restrictive covenant agreement language. Attorney Eklund is making changes in the language that is satisfactory and agreeable. Signatures should be forthcoming.
3. 5623 Murray Road – Attorney Eklund stated that he has spoken with the Michigan Court of Appeals and possibly early September notice could be received as to whether the case would be heard or not heard.
4. Condemnation Hearings – Supervisor St. Amour stated that the hearing for 6168 & 6188 Murray Road has been rescheduled for August 11 and that this property may have been sold. The properties on Nord Road and the house on Scenic Drive need to be visited by Supervisor St. Amour and he will report his findings at the regular meeting on Monday, August 16, 2010.
5. Township Property – Attorney Eklund is preparing a contract with Wilson Forestry for the harvesting of some of the township property. The contract was not prepared at this time.
6. Community Building Drain – Supervisor St. Amour was pleased to announce that the drain at the corner of South Shore Drive and Lamos Road has been properly repaired.
7. Moratorium for the Sale or Dispensation of Medical Marijuana – Trustee Deur stated that he had attended a Medical Marijuana Symposium and that there was a wide variety of opinions about how government entities should respond to this new Act. Most agreed that doing nothing has its own risks, and it appears that many communities are starting to work on regulations to ensure that this activity is controlled in some fashion. Trustee Deur forwarded the material to Attorney Eklund for his review and further consideration. Attorney Eklund posed a question to the Board of Trustees as to what they would like to accomplish with this Act. The Board of Trustees will discuss at the Monday regular meeting.

**NEW BUSINESS:**

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1. Ordinance Enforcement – Supervisor St. Amour stated that 4540 Weber Road is now in the hands of the Muskegon County Sheriff’s Department and a pre-trial date for 1490 W. Duck Lake Road has been scheduled for August 26, 2010.
2. Secretary/Receptionist Position – Supervisor St. Amour stated that 159 applications were received for the position. Treasurer Wilks, Clerk Rillema and himself have perused through them all and have about 20 applications to score at this time before the interviewing committee of Trustee Bard, Treasurer Wilks and Clerk Rillema can start the interview process. Attorney Eklund stated that, in his opinion, the requirements of the OMA do not apply to the activities of the interview committee.
3. Camera/Recording System – Trustee Bole was not in attendance to report on this topic.
4. White River Light Station – Supervisor St. Amour stated that he has received individual quotes for both the gutters and sidewalk repair, but will need to have them quoted as one as the gutters will need to be placed underneath the sidewalk. Attorney Eklund has prepared a draft of a disciplinary form. Supervisor St. Amour asked Attorney Eklund if this form follows our policies and procedures. Attorney Eklund will review and resubmit. Language on the deeds of donation and loan agreement forms were updated. Trustee Deur asked if our insurance covers items on loan to the Museum.

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

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

Mrs. Grein stated that to her knowledge the insurance of the Museum has covered those items in the past. Supervisor St. Amour stated that our current insurance coverage is for replacement value only and does not cover purchase cost. The coverage for purchase cost was quoted at a cost of approximately \$9500.00. The current coverage is approximately \$500.00.

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

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

5. 4676 W McMillan Road – Supervisor St. Amour received an email from the property owner stating that their home has been sold and they should be moved out of the area by August 27, 2010. The 60 day agreement approved by the Board of Trustees expires on August 14, 2010. A motion will be presented at the Monday regular meeting to extend an additional 30 days for non-compliance with the ordinance violation.
6. Uniform Traffic Code Enforcement Status – Attorney Eklund stated that he has sent letters to the Muskegon County Sheriff and to the courts stating that Fruitland Township has adopted the uniform traffic code. Attorney Eklund has the documents nearly completed that will need to be on file in the office at Fruitland Township.
7. Parks & Recreation Master Plan – Trustee Binns and Trustee Deur will be meeting to make the necessary changes/additions to the Parks & Recreation Master Plan and will be discussed at the September work session.

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8. Building Official/Inspector - Supervisor St. Amour stated that our 90 day trial period ended July 31, 2010. The Board is pleased with the services Rod Siegel is providing at this time and a motion will be prepared to continue the services with Laketon Township through fiscal year ending March 31, 2011.
9. Cemetery Ordinance Review – Clerk Rillema presented the proposed changes/additions to the Cemetery ordinance that was reviewed by the Citizen’s Advisory Regulatory Ordinance Committee and internally by staff. Discussion of those changes/additions will be included in the proposed language changes/additions in a motion at the Monday regular meeting. Clerk Rillema also stated that the fee schedule would need to updated with the current vendor rates.
10. Board Comments – Clerk Rillema stated that Eric Van Dop of Brickley DeLong will be presenting the 2009-10 Fiscal Year Audit Report at the Monday, August 16, 2010 regular meeting.

**ADJOURNMENT:**

Motion by Treasurer Wilks, second by Trustee Binns, ***ADOPTED***, to adjourn the Monday, August 9, 2010 Work Session of the Township of Fruitland at 11:40 AM.

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

Respectfully Submitted,

Karolyn Rillema, Clerk  
Township of Fruitland