

**FRUITLAND TOWNSHIP BOARD
WORK SESSION
MAY 11, 2015
MINUTES**

PRESENT: Trustee Bard, Trustee Deur, Trustee Hampel, Trustee Rissi, Supervisor St. Amour

ABSENT: Treasurer Beegle, Clerk Rillema – both excused

ALSO PRESENT: Attorney Even and (0) interested parties.

CALL TO ORDER: Supervisor St. Amour called the Monday, May 11, 2015 Work Session of the Township of Fruitland Board to order at 10:00 AM at the township hall.

AGENDA:

Motion by Trustee Rissi, second by Trustee Bard, **ADOPTED**, to accept the May 11, 2015 Work Session Agenda.

Upon Voice Vote: **5 AYES, 2 ABSENT - motion carried**

PUBLIC COMMENT: There was no public comment.

ANNOUNCEMENTS: Supervisor St. Amour shared the April permits listing for the building department. A resident contacted Supervisor St. Amour regarding raising birds and he referred them to read Ordinance R52. The White River Light Station is partnering with the Friends Garden Club to spruce up the grounds at the Light Station. The Anderson Woods Nature Preserve is in the beginning stages of development of trails under the guidance of the West Michigan Land Conservancy. Muskegon Charter Township was served its court papers from the Water Board for lack of payment of hydrant fee unpaid invoices. The Hyde Park Road Culvert failed and is being repaired by MCRC with a MCRC/Dalton/Fruitland split at a cost to the township of \$294.33. Trustee Bard questioned the location of the placement and stated that it appears to not be under Hyde Park Road but is on Agard Road. Supervisor St. Amour will check with MCRC. Fruitland Township has experienced a number of telephone hang-ups and will forward the information on to the Clerk to research. A letter was received back from Mr. Houtteman regarding the street light near the Whitehall High School.

OLD BUSINESS:

1. Community Flood Ordinance – Attorney Even and Trustee Deur shared information relating to the proposed ordinance that went before the Planning Commission with some technical amendments and numbering cleanup for the Community Flood Ordinance adoption. This ordinance is mandatory to participate in the National Flood Insurance Program per FEMA. A motion will be prepared for the Monday Regular meeting for adoption of such ordinance and supporting resolution.

NEW BUSINESS:

1. Lakewood Lots Sale – Supervisor stated that the Lakewood Lots are okay to sell. Attorney Even suggests a policy be adopted for selling properties and provided Supervisor St. Amour

FRUITLAND TOWNSHIP MAY 11, 2015 WORK SESSION MINUTES

with drafts. The board okayed dealing with selling property on a case by case circumstance instead of putting a policy in writing.

2. Dock Road – Attorney Even has discussed the Dock Road right-of-way with WLFA Attorney about their access to the Lake but the right-of-way is being challenged on who owns it. Attorney Even stated that it would be in the best interest of the Township to quit-claim it to the White Lake Fire Authority.
3. FOIA Appeals –

Motion by Supervisor St. Amour, second by Trustee Bard, **ADOPTED**, to DENY Mr. Kruse of his FOIA Appeal dated April 27, 2015 stating that his request for Donald G. Sandel, Building Department dedicated hours of service was denied as a Public Body Response along with requested information was sent to him by FOIA Coordinator Rillema on April 23, 2015. I move to DENY Mr. Kruse of his FOIA Appeal dated April 21, 2015 stating that his request for any invoices or billings from Even/Franks or Smith/Hughley pllc for litigation against the White Lake Ambulance Authority was unresponsive as a Public Body Response requesting specific dates was sent to him by FOIA Coordinator Rillema on April 23, 2015. I move to DENY Mr. Kruse of his FOIA Appeal dated April 29, 2015 stating that his request for a copy of proportion liability figure or invoice for payment from the WLAA was unresponsive as a Public Body Response along with requested information was sent to him by FOIA Coordinator Rillema on April 22, 2015.

*Upon Voice Vote: **5 AYES, 2 ABSENT – motion carried***

4. Amendment to Fee, Permit, Escrow Schedule - Supervisor St. Amour and Attorney Even stated that the increase in 8 ½ x 11 copy charge to \$.10 a copy is occurring due to the FOIA amendments effective July 1, 2015. A motion will be prepared for the Monday Regular meeting.
5. Permit Refund – A request for a building permit has been requested in the amount of \$624.00. No work has been performed at this time. More research needs to be done on a policy going forward regarding a potential % cancellation fee. Attorney Even will research and will be discussed at the June work session. Past history has been that it was brought to the Board for determination on whether a refund should be issued. A policy should be in place going forward.
6. Building Permit Cancellation/Refund Policy – A sample of Laketon Township’s cancellation/refund policy will be reviewed by Attorney Even and discussed at the June work session. A policy should be developed for both Fruitland Township to cancel a permit if no work is performed within the timeframe allotted and for the resident/builder to cancel with a cancellation % fee. Attorney Even will work with the Building Official to develop.
7. Zoning Administrator – Supervisor St. Amour included a contract for our new Zoning Administrator for the only candidate interviewed by Planning Commission Chair Roesler and Trustee Deur. Val Jensen is the candidate of choice. A plus to hiring Mr. Jensen is that

FRUITLAND TOWNSHIP MAY 11, 2015 WORK SESSION MINUTES

he would not only have two half days scheduled office hours but also be available by telephone 5 days a week. Mr. Jensen is a prior builder, current Zoning Administrator for Whitehall Township and serves on the Planning Commission for Holton Township. He would also serve as our Zoning Enforcement and Ordinance Enforcement in general. The pay is similar but does not include any benefits which would be the same. There is conflict with the night our Planning Commission meets. Our Planning Commission is willing to change our night to accommodate Mr. Jensen. Supervisor St. Amour will ask Mr. Jensen to attend Monday's Regular meeting.

8. Zellar Road Quote – The Federal funded road project on Zellar Road has been pushed back to 2016. The Drainage issues need to be rectified before this project can be completed. The MCRC is putting together a quote on the costs involved. Culverts and ditch clean out are necessary. Several different avenues are available to complete this repair – Set up a Drain District, MCRC/Fruitland Township split or a Special Assessment be created. Supervisor St. Amour will share information as he receives. Attorney Even is not familiar with a separate mechanism for setting up a special assessment for moving water without setting up a drain district.
9. Partridge Drain – Supervisor St. Amour tasked Attorney Even to discuss road end repairs/ownership with the MCRC Attorney Rose.
10. White Lake Ambulance Authority – Millage Discussion/Action Plan -

Motion by Trustee Bard, second by Trustee Rissi, **ADOPTED**, to go into closed session to consider confidential legal advice in written opinion subject to attorney-client privilege at 10:52 AM.

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

CLOSED SESSION

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to come out of closed session at 11:15 AM.

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

13. Board Comments – Trustee Hampel stated that she does not like being accused of pushing information onto the Parks & Recreation Commission and if it appears so, she apologizes but will continue to support the Parks Commission even if she does not serve as liaison. Supervisor St. Amour stated that he would like to discuss further at another meeting.

Motion by Trustee Bard, second by Trustee Rissi, **ADOPTED**, to adjourn the Monday, May 11, 2015 Work Session of the Township of Fruitland at 11: 25 AM.

Upon Voice Vote: **5 AYES, 2 ABSENT - motion carried**

FRUITLAND TOWNSHIP MAY 11, 2015 WORK SESSION MINUTES
Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland