

**FRUITLAND TOWNSHIP
WORK SESSION MEETING
OCTOBER 14, 2025 MINUTES**

PRESENT – Supervisor Marcinkowski, Treasurer Roggero, Trustee VanOosterhout, Trustee Cross, Trustee Brower, Trustee Holman

ABSENT – Clerk Steffes

ALSO PRESENT – Attorney McGahan + interested parties

CALL TO ORDER – Supervisor Marcinkowski called the October 14, 2025, Work Session Meeting to order at 10:06 AM and led the pledge of allegiance.

AGENDA - Motion by Trustee Holman, second by Treasurer Roggero, **ADOPTED**, to accept the October 14, 2025 Work Session Township Board Meeting Agenda as amended.

Upon Voice Vote: 6 AYES – motion carried

PUBLIC COMMENT – There was none.

PRESENTATIONS –

- a. **Pete McCarthy – White Lake Fire Authority Chief**- Chief McCarthy was not present, WLFA Board Member Jeff Goss advised due to pending litigation involving WLFA Chief McCarthy will not be attending the upcoming FT Board Meetings and Mr. Goss will be the representative from WLFA in his place. Stated that there was good attendance at the Fire Prevention Open House, they had first responders provide a fire prevention program at Shoreline Elementary and they are working on other area elementary schools. Next WLFA meeting is 10/21 at 7 PM. They are working on a new website that will be more interactive. They are looking into the logistics of recording their meetings. They are also reviewing their Policies & Procedures. Stated they are in good shape with their equipment and man power.

Motion by Supervisor Marcinkowski, second by Trustee Holman,
ADOPTED, to suspend Roberts Rules.

Upon Voice Vote: 6 AYES – motion carried

- ~~b. Dave Rice – Duck Creek Natural Area update-~~
- c. **Mike Holman – Planning Commission meeting - 10/2-** Provided PC Meeting update.

- d. **Lynn Knopf – Parks Commission meeting – 10/6-** Provided P&R Meeting update. They are in discussion about the type of bathrooms they want to move forward with, they are leaning towards the traditional restrooms rather than the shipping container. Advised they are planning the Trunk or Treat for 10/31. Advised for next years' budget they aren't looking for anything big other than the bathrooms.

Motion by Trustee Holman, second by Trustee Cross, **ADOPTED**, to reinstate Roberts Rules.

Upon Voice Vote: 6 AYES – motion carried

ANNOUNCEMENTS/COMMUNICATIONS –

- a. **September Check disbursement and budget amendment reports-** Will be placed on file
- b. **September Ordinance Enforcement report-** Will be placed on file
- c. **September Zoning Report-** Will be placed on file
- d. **September PINS Report-** Will be placed on file
- e. **September Revenue and Expenditure Report and Cash Investments Report-** Will be placed on file. Treasurer Roggero explained the Cash Investments Report changes- Moved funds from Huntington Account into Huntington Liquidity Portal, Closed Route 31, Fifth Third and Comerica and transferred into Michigan Class.
- f. **Special Meeting – 10/8 – Consultants, Planning, Parks, ZBA and Twp Board – minutes-** Will be placed on file. Supervisor Marcinkowski and Trustee VanOosterhout are will sit as board members for the Steering Committee and will represent the board's interests.
- g. **CAC “No Spray in the Road ROW” – meeting 10/1-** CAC has not provided information from their 10/1 meeting, Supervisor Marcinkowski will make this available once he receives it.
- h. **Community Foundation – Make A Wish – Youth Soccer Field - \$45,000.00-** Supervisor Marcinkowski submits this project as a request each year for a donor to choose from.
- i. **State Revenue Sharing-** Approximately \$28K reduction in State Revenue Sharing due to changes in state budget.
- j. **Abandoned buildings taken down on Nestrom and Orshal roads-** The potentially dangerous buildings located at 4720 Orshal and 3720 Nestrom were demolished.
- k. **Beck's demolition permit-** Township is not approving the demolition permit due to the pending litigation with the Becks.
- l. **DTE Energy Efficiency Makeover –** Supervisor Marcinkowski applied but has not heard back.
- m. **Scott St. Pierre Email- Update of status of sale of Township Properties-** The last parcel on Whitehall Rd closed last week.

UNFINISHED BUSINESS –

- a. **Additions to Maintenance staff** – Overview of budget impacts, approximate increase of \$21,349 salary increase and \$45,000 for additional truck.
- b. **Transfer station office – BLOX revised quote for port-a-jon screen walls-** will be placed on file
- c. **Community Center Proposed Location-** Supervisor Marcinkowski discussed logistics for putting a community center on the Twp Property near the Township Hall. Also brought up land on Riley Thompson and doing a joint community center with Dalton Township.
- d. **Ambulance Services-** Supervisor Marcinkowski advised that only White Lake Ambulance Authority responded to the RFP with a proposal of \$200,000 for a one year contract. He provided options for paying for that contract, including using the Special Contingency Fund and the option of a Special Assessment. He stated his opinion that if we did a Special Assessment it should only be on parcels that have a residence, not vacant parcels.

NEW BUSINESS –

- a. **Rescind Regulatory Ordinance Article R58 Fire Code-** Supervisor Marcinkowski discussed his opinion that the WLFA is able to adopt ordinances through the articles of incorporation and as a result doesn't see the need for the township to have this ordinance. Trustee VanOosterhout asked if it is recommended for townships to have a fire code adopted. Attorney McGahan stated the ordinances the WLFA is allowed to adopt are very limited and the WLFA can only enforce ordinances adopted by the township.
- b. **Dangerous Building Hearing – White Lake Cabins – Scheduled for 11/21 at 9am**
- c. **State Sovereignty Resolution- Proposed by Gary Griner-** Trustee Brower stated he sees some value in the resolution but wasn't happy with how it was written and his concern is that we do not have the authority to establish something like that. Supervisor Marcinkowski advised we have a Governor, Attorney General, State Constitution, Federal Government, Cabinet, Etc. that establish laws about State Sovereignty. He stated he is for the rule of law and does not want to adopt something to change what is constitutionally allowed. Stated he does not believe Fruitland Township alone can change a state or federal law and the resident should take it to the state level if he wants to see a law changed.

PUBLIC COMMENT –

Carlet Mitebuler- 4623 Nestrom Rd- Asked about the flooring of the Nestrom Park Restrooms as they were presented as wood at the P&R Meeting but the ecology station container office is on cement.

Motion by Supervisor Marcinkowski, second by Trustee Holman, **ADOPTED**, to suspend Roberts Rules.

Upon Voice Vote: 6 AYES – motion carried

Supervisor Marcinkowski explained some details about the container versus traditional restroom.

Motion by Supervisor Marcinkowski, second by Trustee Cross, **ADOPTED**, to reinstate Roberts Rules.

Upon Voice Vote: 6 AYES – motion carried

BOARD COMMENTS/DISCUSSION –

Supervisor Marcinkowski discussed the compactor at the ecology station, no other transfer stations have compactors, they just have open top bins. Asked the board to consider removing the compactor once the existing one fails.

Trustee VanOosterhout brought up his concerns about the fire suppression system issues and asked how to proceed to get more information and answers.

ADJOURNMENT

Motion by Trustee Brower, second by Trustee Cross, **ADOPTED**, to adjourn the October 14, 2025 Work Session of the Township of Fruitland at 12:00 PM.

Upon Voice Vote: 5 AYES – motion carried

Respectfully Submitted,

Alexa Steffes, Clerk
Township of Fruitland

**FRUITLAND TOWNSHIP
REGULAR MEETING
OCTOBER 20, 2025 MINUTES**

PRESENT – Supervisor Marcinkowski, Clerk Steffes, Trustee Cross, Treasurer Roggero, Trustee VanOosterhout, Trustee Brower, Trustee Holman

ABESNT –

ALSO PRESENT – (45+) Forty-five+ Interested Parties

CALL TO ORDER - Supervisor Marcinkowski called the October 20, 2025 Regular Meeting to order at 6:09 PM and led the pledge of allegiance.

AGENDA - Motion by Trustee Holman, second by Trustee Holman, **ADOPTED**, to accept the amended October 20, 2025 Regular Township Board Meeting Agenda.

Upon Voice Vote: 7 AYES— motion carried

PUBLIC COMMENT –

Kathy Pellerin-Mahoney- 8008 Old Channel Trail- Requested the opportunity to talk at the next work session regarding the Resolution presented by Greg Griner. Spoke about National Guard members from Battle Creek being sent to the southern boarder of Texas.

Brian Butler- 3333 W Bard Rd- Spoke about his concerns regarding the contract with the WLAA and Community Center. Asked how the township can assess fees for the WLAA without a vote and why it would only be assessed to primary residents. Discussed the lack of community support for a community center. Stated there are many additional things the township needs to address before spending money on those issues.

Patricia Whitener- 3293 W Bard Rd- Stated she came from Meridian Township and listed the line items on her last tax bill and stated there are much fewer line items for Fruitland Township and the total millage she’s paying is higher. Agreed with Mr. Butler’s statement that additional taxes need to be voted on.

Rober Grove- 5375 W McMillan- Stated the township must put an assessment to a vote. Asked if the ambulance authority would be exclusive for Fruitland Township.

FRUITLAND TOWNSHIP OCTOBER 20, 2025 REGULAR MEETING MINUTES

Discussed the staffing shortages in the paramedic industry and expressed his concern about ambulance availability and what we would get out of the dollars spent.

Taylor- 4330 Duck Lake Rd- Discussed the contract with the WLAA and asked what services are included, if they will exceed what we currently receive from Trinity, if there will be an ambulance permanently stated in Fruitland Township. Stated Fruitland Township already receives backup support from WLAA. Discussed how the township would pay for a community building.

Elise Butler- 4333 W Bard Rd- Discussed the community center, advised there was no determination about a community center, if it would be taxed, etc. Shared a personal anecdote about an ambulance experience she had. Stated she is not convinced that paying for additional service will get us quicker response times.

Susan Dennison- 4875 Riley Thompson Rd- Shared her experience with calling EMS, stated the fire department came first and helped her and then 40 minutes later the ambulance showed up. She stated she is not worried about the response time in our township, but she is worried about taxes.

Mel Oakley- Jay Road- Stated there was a meeting with WLAA and the information they provided at that meeting. Explained WLAA would provide ambulance authority to us rather than just mutual aid, with fully staffed ambulances with the highest level of care before you get to the hospital. Advised the average response time would be in the neighborhood of 15 minutes. Stated his support of the WLAA contract.

Nick Hardy- 4754 Riley Thompson- Advised Life EMS has no privilege to operate a primary ambulance service, and that Trinity EMS already services Fruitland Township. Discussed his concerns about an assessment being levied on only primary residences. Encouraged the board to think carefully before voting.

Jessica Cook- Muskegon County Commissioner District 6- Introduced herself and stated she is available for questions after the meeting.

Ace (Zoom)- Stated it is too much money, too fast for ambulance service for a small township. Stated if residents are being charged for it, there should be a vote. Asked

for more outreach, transparency and time and asked the board to consider reaching out to shared contracts with other municipalities.

PRESENTATIONS

- a. **Dave Rice – DCNA/FFTT – Update and Volunteer Recognition-** Advised they are done with the trails and boardwalks, recognized the volunteers that helped. Discussed the Trail Steward Program. Talked about future projects- including the Simonelli Rd parking lot, boot scrapers and bike racks, benches on the North side, interpretive signage, duck houses, and take care of some invasive species. Asked the board to reconsider Ordinance R63, which allows hunting in DCNA.

ANNOUNCEMENTS/COMMUNICATIONS –

- a. **CAC – No Spray in the Road ROW**
 - b. **VC3 Computer Upgrades-** Week of Nov 10th to upgrade computers and Windows
- 11
- c. **Assessment Corrected Action Plan-** will be placed on file

CONSENT AGENDA –

- a. **September 2025 Treasurer reports – Revenue and Expenditure - Fund 101 Revenue \$38,590.47; Expenditure \$141,318.86; Fund 120 Revenue \$6,163.70; Fund 130 (Public works) Expenditure \$300.00; Fund 145 Equipment Replacement Fund Expenditure \$13,756.92; Fund 180 (Community Building Capital Improvement) Revenue \$50.00; Fund 213 American Rescue Plan Act \$3,331.41**
- b. **September 2025 Clerk reports – Check Disbursement and Budget Amendments**
- c. **Minutes – September 8, 2025, Work Session; September 15, 2025, Regular Board Meeting**

Motion by Trustee Holman, second by Treasurer Brower, **ADOPTED**, to approve the Consent Agenda as presented.

Roll Call Vote: Trustee Cross **AYE**, Clerk Steffes **AYE**, Supervisor Marcinkowski **AYE**, Treasurer Roggero **AYE**, Trustee Brower **AYE**, Trustee VanOosterhout **AYE**, Trustee Holman **AYE**– **motion carried**

UNFINISHED BUSINESS –

- a. **Additions to Maintenance Staff**

Motion by Supervisor Marcinowski, support by Trustee Brower, **ADOPTED**, to approve the proposed maintenance increases: Promotion for Arron Ferris to Maintenance Supervisor, pay raise for Leonard Pierce and Rodney Gifford, and

hire a seasonal summer maintenance worker and additional truck for maintenance staff.

Discussion: Treasurer Roggero discussed the importance of having a list of guidelines in place for the future to ensure maintenance duties are completed regularly. Asked for job descriptions and lists of monthly and seasonal maintenance duties.

Supervisor Marcinkowski rescinded his motion until December so we can gather more information.

b. Transfer Station office – BLOX revised quote

Motion by Supervisor Marcinkowski, support by Trustee Brower, ADOPTED, to accept the quote to put the visual screens in at the Ecology Station Container Office for the amount of \$2,772.

Roll Call Vote: Trustee Cross **AYE**, Clerk Steffes **AYE**, Supervisor Marcinkowski **AYE**, Treasurer Roggero **AYE**, Trustee Brower **AYE**, Trustee VanOosterhout **AYE**,

Trustee Holman **AYE**– motion carried

~~c. Community Center Proposed Location~~

d. Ambulance Services – Action item

Supervisor Marcinkowski read emails/letters submitted by Wendy Bohning, Rick Bohning and Karolyn and Jack Rillema opposing a contract with WLAA and asking questions. Those emails will be placed on file.

Motion by Trustee Holman, support by Trustee Cross, **ADOPTED**, to suspend Roberts Rules.

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

Jeff Abrams- WLAA Board and Clerk for Blue Lake Twp- Discussed the financial strength of WLAA and advised that the board takes a very active role in the authority to ensure continued strength. Advised they are staffed very well with 2 ambulances on and the option to have a scramble crew for a 3rd or even a 4th if needed.

Additional public comment and discussion and questions between board, residents and Mr. Abrams.

FRUITLAND TOWNSHIP OCTOBER 20, 2025 REGULAR MEETING MINUTES

Motion by Clerk Steffes, support by Trustee Holman, **ADOPTED**, to reinstate Roberts Rules.

Upon Voice Vote: 7_AYES – motion carried

Motion by Trustee Holman, support by Trustee Brower, **ADOPTED**, to accept the contract with WLAA and pay for it without assessing the residents.

Board discussion regarding funding options.

Trustee Holman rescinded his motion.

Motion by Supervisor Marcinkowski, support by Clerk Steffes, **ADOPTED**, to table the issue until next month pending the determination of financing.

Upon Voice Vote: 7_AYES – motion carried

e. Policy and Procedure updates – Action item

Motion by Treasurer Roggero, support by Trustee Cross, **ADOPTED**, to approve the Policy and Procedure updates proposed by Clerk Steffes.

Upon Voice Vote: 7_AYES – motion carried

~~f. Rescind Regulatory Ordinance Article 58 Fire Code~~

NEW BUSINESS –

PUBLIC COMMENT –

Taylor- discussed how concerning it is how quick the decision happened for WLAA.

BOARD COMMENTS/DISCUSSION –

Trustee Cross thanked the residents for coming to offer their opinions.

Trustee VanOosterhout thanked the board for agreeing to consider funding before moving forward. Discussed his concern about the lack of data we have to compare the current response times. Advised he doesn't need more information about a community center, he doesn't believe it is time for it in the township.

ADJOURNMENT

FRUITLAND TOWNSHIP OCTOBER 20, 2025 REGULAR MEETING MINUTES

Motion by Trustee Cross, second by Trustee Brower, ***ADOPTED***, to adjourn the October 20, 2025 Regular Meeting of the Township of Fruitland at 8:31 PM.

Upon Voice Vote: 7 AYES – motion carried

Respectfully Submitted,

Alexa Steffes, Clerk
Township of Fruitland

UNFINISHED

BUSINESS



Outlook

Park bathrooms

From Lynn Knopf <minnow_bait@yahoo.com>
Date Mon 11/10/2025 9:10 AM
To Jeff Marcinkowski <supervisor@fruitlandmi.gov>

The Parks and Recreation Commission has decided to use Winberg Construction to build the bathrooms at Nestrom Rd. Park.

Lynn Knopf

[Yahoo Mail: Search, Organize, Conquer](#)

NEW

BUSINESS

STATE OF MICHIGAN

CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

STEVEN BECK and DEBRA BECK, Husband
and wife,

CASE NO. 25-2196-CH

Petitioners,

v

HON. KENNETH S. HOOPEES

FRUITLAND TOWNSHIP,

Respondent.

Matthew D. Mills (P79516)
Kennedy N. Potts (P86991)

Parmenter Law

Attorneys for Petitioners
601 Terrace St.

Muskegon, MI 49440

213-722-1621

matt@parmenterlaw.com;

kennedy@parmenterlaw.com

Julianna M. Hyatt-Wierzbicki (P71731)
SMITH HAUGHEY RICE & ROEGGE

Attorneys for Respondent

900 Third St., Ste 204

Muskegon, MI 49440

231-724-4320

jhyatt-wierzbicki@shrr.com

STIPULATION FOR THE ENTRY OF CONSENT JUDGMENT

NOW COME the above-named parties by and through their respective attorneys of record and stipulate to the following agreed upon set of facts:

1. The building and/or structure (“Dwelling”) which is the subject matter of this litigation, and located at 3319 Scenic Drive, Muskegon, Michigan is a dangerous building pursuant to Article 54 Section R 54.03 of the Fruitland Township Ordinances and MCL § 125.539 which must be immediately demolished or made safe;
2. Petitioners, Steven and Debra Beck (“Beck”), husband and wife, own the real property and Dwelling situated in Fruitland Township, County of Muskegon, State of Michigan commonly known as 3319 Scenic Drive, Muskegon, Michigan 49445 and legally described as:

CONSENT JUDGMENT
25-2196-CH

That portion of Section 30, Town 11 North, Range 17 West, the South line being an East and West Line on the angle of South 88° East extending from the shore of Lake Michigan to the concrete highway recently constructed through said Section 1414.26 feet North of the South Section line of said Section 30, the North line being a parallel line extending East and West on the same angle, and located 100 feet measured on an angle of North 25° West, the East line of said piece being the concrete highway before described and the West Line being the shore of Lake Michigan.

PIN: 61-06-130-300-0014-00 (the “Property”);

3. Fruitland Township (the “Township”) has satisfied all state and local legal requirements and afforded Petitioners full and complete due process regarding notice of dangerous building and notice of an unsafe building violation hearing which was held on

February 9, 2024 and which was followed by multiple show cause hearings giving Petitioners multiple opportunities to be heard and to make the Dwelling safe or be razed;

4. Petitioners have not complied with the lawful resolutions of the Township Board of Trustees to make the Dwelling safe;

5. Petitioners have represented to the Township that the demolition and repairs of the Dwelling as contemplated below can be completed on or before January 1, 2026;

6. Petitioners and the Township both acknowledge and agree the demolition permit and the building permit contemplated below shall expire at the end of the day on January 1, 2026;

7. Petitioners and the Township both acknowledge and agree the Consent Judgment to be entered below shall be non-appealable and deemed a final judgment in this case;

8. Petitioners and the Township both acknowledge and agree that the content of this Stipulation for the Entry of Consent Judgment shall be deemed contractually binding; and

9. On November 17, 2025 the Township Board of Trustees held a public meeting at which they authorized the Township Attorney to stipulate to the entry of the consent judgment as

CONSENT JUDGMENT
25-2196-CH

set forth below.

WHEREFORE, in complete reliance on the aforesaid agreed upon facts and representations, the parties stipulate to the following Consent Judgment:

CONSENT JUDGMENT

At a session of said Court held in the City
of Muskegon, County of Muskegon, Michigan,
on the ____ day of November 2025

PRESENT: HON. KENNETH S. HOOPES,
CIRCUIT COURT JUDGE

NOW THEREFORE, IT IS ORDERED that Petitioners shall, on or before January 1,

2026 complete the partial demolition of the portion of the Dwelling overhanging the bluff in accordance with the demolition permit to be issued by the Township and shall tie in and repair all open portions thereof in accordance with the building permit to be issued by the Township and as set forth in the plans and specifications described in the Construction Contract Agreement dated October 15, 2025 between Petitioners and their contractor, Gene Baatz, of Baatz Roofing;

IT IS FURTHER ORDERED, that prior to the issuance of a demolition permit and a building permit the Petitioners shall post with the Township Clerk a cash or surety bond in the amount of Fourteen Thousand Five Hundred Dollars (\$14,500.00) to pay the cost of razing the Dwelling if it is not made safe as determined by the Township Building Official by the end of the day on January 1, 2026. Upon posting of the bond and paying the costs for issuance of a demolition permit and building permit, such permits shall be issued by the Township;

IT IS FURTHER ORDERED, that if the Dwelling is not made safe by January 1, 2026, the certificate of occupancy for the Dwelling shall be deemed automatically revoked and Petitioners shall immediately vacate their occupancy of the Dwelling. Further, the Township shall proceed to give notice to Petitioners of the scheduled demolition of the Dwelling by the

CONSENT JUDGMENT
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Township's demolition contractor of choice;

IT IS FURTHER ORDERED, that the deadline of January 1, 2026, shall not be extended for any reason, including but not limited to, inclement weather, supply shortages, or any other reason outside of Petitioners' or their contractor's control;

IT IS FURTHER ORDERED, that in the event the Dwelling is razed as ordered herein and after paying the costs of demolition there remains a positive balance of the bond funds, that amount shall be returned to the Petitioners. In the event the cost to raze the Dwelling is in excess of the bond, Petitioners, upon written notice shall within 30 days of notice pay the increased cost to raze the Dwelling in excess of the bond to the Township and if not paid within 30 days the Township assessor shall add the same to the next tax roll of the Township and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township;

IT IS FURTHER ORDERED, that Petitioners shall obtain all proper permits and comply with all applicable building codes associated with the partial demolition and closing in of the structure described herein as well as all post-demolition repairs, which include but are not limited to, all electrical, HVAC, and other mechanical work required to repair the Dwelling; and

IT IS FURTHER ORDERED, on, or before July 1, 2026, Petitioners shall install a retaining wall to protect and prevent the Dwelling from further risk associated with the erosion of the bluff along the Lake Michigan Shoreline.

THIS IS A FINAL ORDER RESOLVING ALL CLAIMS AND CLOSES THIS CASE.

Attest: A True Copy:

Kenneth S. Hoopes, Circuit Court Judge

Deputy Clerk

CONSENT JUDGMENT
25-2196-CH

Approved for entry as to form and notice of entry waived:

Kennedy N. Potts (P86991)
Parmenter Law
Attorney for Petitioners
601 Terrace St.
Muskegon, MI 49440
213-722-1621

Julianna Hyatt-Wierzbicki (P71731)
Smith Haughey Rice & Roegge
Attorneys for Defendant
900 Third St., Ste 204
Muskegon, MI 49440
231-724-4320

Motion by Commissioner Butler, seconded by Commissioner Huldin, **ADOPTED**, to send the proposed language on the definition of a basement to the Township Board.

5 AYES

2. Discussion of the Master Plan. Everyone should be aware that on October 8, 2025 there will be a combined meeting with the Township Board, Planning Commission, Parks and Recreation and Williams & Works. Everyone is encouraged to attend. No meeting set for the steering committee. We have received the \$5,000.00 grant from the Community Foundation, bringing our total grand funding to \$60,000 to go towards the master plan fees.

3. EV Car Charging Stations. Sample language has been provided regarding charging stations for everyone to review.

Motion by Commissioner Butler, seconded by Commissioner Lundell, **ADOPTED**, to table the review until next meeting so everyone has a chance to review it.

5 AYES

4. Short Term Rentals. Commissioners were provided with copies of the White River Township and Hamlin Township for review. Chairperson Warner suggested to table and put on agenda for next month's meeting.

PLANNING COMMISSION/ZBA UPDATES

Zoning Board of Appeals meeting coming up on October 14, 2025.

COMMISSIONER COMMENTS

Commissioners suggested making copies of agendas/packets for everyone, since some cannot print from email.

Chairperson Warner stated he received notice that Blue Lake Township has completed their comprehensive development plan is available for anyone who wants copies of it even though they do not directly border the Township.

PUBLIC COMMENT

No public comment

ADJOURNMENT

Motion by Commissioner Campeau, seconded by Commissioner Butler, **ADOPTED**, to adjourn the meeting at 8:37 p.m.

Respectfully submitted,

Commissioner Butler suggested tabling final approval until next meeting to get traffic impact study, approvals from regulatory agencies, affidavit from neighbor and discuss the current shed not becoming a bathroom.

Commissioner Lundell discussed the impact traffic study.

Motion by Commissioner Butler, seconded by Commissioner Huldin, **ADOPTED**, to require Mr. Hughes to provide traffic impact study based on site plan revision #3 dated September 17, 2025. To place a hold on bringing it back to the Planning Commission until the traffic impact study report is received.

5 AYES

Motion by Commissioner Butler, seconded by Commissioner Huldin, **ADOPTED**, to require receipt of updated approval letters from Muskegon County Road Commission, Muskegon County Health Dept., Muskegon County Drain Commission, White Lake Fire Department and Muskegon County Conservation District based on site plan revision #3 dated September 17, 2025, referencing Section 15.04(c), before bringing before the Board again.

5 AYES

OLD BUSINESS

1. Definition of a Basement. We are changing the definition of a basement in the zoning. Handouts were given on proposed language. We had decided on this in a previous meeting.

Motion by Commissioner Butler, seconded by Commissioner Huldin, **ADOPTED**, to open the public hearing of a definition of a basement at 8:20 p.m.

5 AYES

What we are proposing is to change the current definition of a basement shown in the zoning. Since it has been problematic for the Zoning Administrator, so we are proposing to change the definition as follows: a basement – story or stories of a building constructed partially or entirely below ground and semi-basement – a habitable single story with up to three walls constructed partially or entirely below ground, this being particular relevance where structures are built on sloping sites. This can also apply when there are a number of subfloor voids/walls below ground level.

There was no public comment. No comments from Zoning Administrator.

Commissioner Huldin discussed the term habitable in the new proposed statement.

Motion by Commissioner Huldin, seconded by Commissioner Campeau, to close the public hearing at 8:24 p.m.

5 AYES

Guidance on the design and construction of basements

Technical guidance for building control surveyors, designers and installers



LABC

Delivering building control
through local authorities

Introduction

Basements are having resurgence in residential developments, particularly in refurbishment projects as a result of limited available space to construct above ground extensions. However, their construction can cause many potential problems if not properly designed and built. Of particular concern is the potential for water ingress and structural stability of the existing superstructure.

This guidance has been prepared with LABC Warranty and reflects its extensive experience in dealing with basement construction. Its purpose is to highlight key design and construction issues that can have a significant impact on the outcome of any basement project. It is accepted that

this guidance does extend the definition of a basement beyond that of BS8102:2009. We have adopted this approach because failures in basement construction have led to serious water ingress, which is both costly and difficult to rectify.

When approving an application, the local authority building control team may be provided with product details. It should be noted that most manufacturers do not accept design liability for their waterproofing product on individual project sites. Reliance is often placed on third party accreditation of a product such as a BBA certificate. If the product is unsuitable for use in certain circumstances the certification criteria is void.

Definition of a basement

The traditionally accepted definition of a basement is a storey or storeys of a building constructed partially or entirely below ground. But in the context of this guidance, it also includes a building constructed on a sloping site with changes in levels. The change in levels might involve the walls themselves, which may retain soil and so susceptible to ingress of ground water.

Any building which has floors that are not constructed directly off the ground may contain a void that is susceptible to ground water ingress. However, the existence of a void does not make it a basement and therefore this guide will not apply.



The provision of level access into commercial and residential buildings can lead to problems with ground water ingress below any suspended floors and/or into solid floors. Again,

these are not 'basements' in the context of this guidance.

To expand on the descriptions above the following are typical scenarios that can be considered as basements in residential developments:

- Basement – a storey or storeys of a building constructed partially or entirely below ground
- Semi basement – an inhabited single storey with up to three walls constructed partially or entirely below ground, this being of particular relevance where structures are built on sloping sites. This can also apply when there are a number of subfloor voids/walls below ground level
- Shallow basement – one storey entirely below ground
- Deep basement – more than one storey entirely below ground.

Walls that are neither basement walls nor semi basement walls and do not form part of the habitable accommodation can be defined as:

- Retaining walls – walls that hold back earth. Such walls must be adequately designed and constructed. The design process must consider the potential for ground water ingress and if waterproofing may be required.

Pre-installation analysis of the project

The client and the architect will determine the end use of the basement at the outset. Once decided a structural engineer will then be needed to carry out a desktop analysis of the geology and hydrology of the site to guide the design of foundation and basement structure.

Where the project is a refurbishment, the above would be adopted but the construction may be largely dictated by

Item 2

NEW BUSINESS

1. **Mr. and Mrs. Mark White, 2283 Oak River Lane, Muskegon, MI 49445**, requests a change to the zoning on parcel **#61-06-400-0001-10, Whitehall Road, Whitehall, MI 49461** to residential. The current zoning **MHP**.

Motion by Commissioner Holman, seconded by Commissioner Campeau, **ADOPTED**, to open the public hearing at 6:15 p.m.

6 AYES

Mr. and Mrs. White were present and stated that they bought a 30 acre parcel from the Township and 15 acre parcel from the Muskegon County with the future intention to build 3 homes. Mr. White has met with Mike Baker and discussed what zoning district to apply for. Mr. White did 3 perk tests. There is good quality water and has been told he can do a normal septic.

Public Comment

Jeff Marcinkowski, 3744 Jay Road stated he is engaging the Township attorney to vacate the Plat on the parcel, and they are in the process of working on it. It will take some time but stated it should not hold up the decision by the Planning Commission. He thinks it is a good idea and recommends HDR.

Mr. White stated that the sketch of the area to be rezoned would still leave 64 acres to be used for MHP. He talked with Assessor Heidi about advantages and disadvantages of both zones.

Commissioner Lundell stated she felt better with MHDR but is also good with HDR.

Commissioners Campeau and Josephson agree with HDR as it would provide a continuation of what already borders the parcel.

Motion by Commissioner Campeau, seconded by Commissioner Holman, **ADOPTED**, to close the public hearing at 6:34 p.m.

6 AYES

Planning Commissioners discussed the proposed HDR zoning with positive feedback.

Motion by Commissioner Holman, seconded by Commissioner Campeau, **ADOPTED**, to recommend to the Township Board to change the zoning on parcel **#61-06-101-400-0001-10** to HDR.

6 AYES

2. **Final Site Plan Review** according to **Article XV Site Plan Review**, for applicant, **Dennis Hughes, 5395 Scenic Drive, Whitehall, MI 49461** (in the old pickle barrel building, **Parcel #61-06-013-100-0001-00**, for a retail establishment according to **Article XI Neighborhood Commercial District**.



October 12, 2025



To: Fruitland Township Supervisor and Board of Trustees

From: Friends of Fruitland Township Trails

Subject: Ordinance R63 and hunting allowance in the DCNA

With the completion of the third bridge and boardwalk and the connecting trails in the Duck Creek Natural Area, the Friends of Fruitland Township Trails request that Ordinance R63 be reviewed and all hunting activities no longer be permitted after the 2025 hunting season has completed.

In the illustration on the next page, you will see that all areas are now populated with trails including those that cross the Scholes Creek Bridge (2) and the Duck Creek Bridge (3) into the northwest area. The entire 310 acres are now accessible via trails from the Duck Lake Road Parking Lot and the Simonelli Road Parking Area.

The DCNA is becoming a well-known and frequent year-round destination for walkers, both residents and non-residents. It has also been used by local schools for education in a natural setting, something we see growing due to DCNA's diverse setting with two different creeks as well as several differing forest types and wetlands.

Currently FFTT has posted an orange notice to alert walkers using the trails that hunting is permitted in the DCNA. The warnings are posted on both kiosks and on signage on the northside of Duck Creek.

The Friends of Fruitland Township Trails is asking the Fruitland Township's Board of Trustees to fully consider updating the ordinance so that hunting within the Duck Creek Natural Area is no longer permitted.

Respectfully,

David Rice

President – FFTT

JoAnn Barrett

Vice President – FFTT

Carol Taylor

Treasurer – FFTT

Terrie Hampel

Secretary – FFTT

Merl Schlaack

Board Member - FFTT

Nancy Reschke

Board Member - FFTT



- | <u>SOUTH</u> |
|--|
| • Blue Trail ~ 1.43 miles |
| • Blue / Yellow ~ 0.5 miles |
| • Teal Connector to Overlook Bench ~ 153 yards |
| • Orange Ridge ~ natural surface ~ 0.8 miles |
| • Blue & Orange Loop ~ 1.8 miles |
| <u>NORTHEAST</u> |
| • Blue Trail ~ 1.3 miles |
| • Orange Connector ~ natural surface ~ 0.9 miles |
| • Blue & Orange Loop ~ 1.9 miles |
| <u>NORTHWEST</u> |
| • Red Loop ~ 0.95 miles |
| • Pink Connector over Duck Creek ~ 0.3 miles |

Perimeter
Turn right at

NOTICE

Fruitland Township Ordinance R63 allows hunting within the northern section of the Duck Creek Natural Area. This is defined as the entire area north of Duck Creek and includes the area north of Scholes Creek.

Below is an excerpt of the Township's ordinance.

SECTION R 63.07 ALLOWABLE USES IN AREA B

In the northern region of the property (designated as Area B on attached Exhibit 1), may be used for archery and archery-related activities, including hunting with crossbow or bow and arrow, in accordance with Hunting Regulations of the Michigan Department of Natural Resources.

During the firearm hunting season typically running from November 15 – November 30 annually, regular firearm hunting in Area B will be allowed, in accordance with Hunting Regulations of the Michigan Department of Natural Resources. Except for the provision in the preceding sentence no other firearm hunting activities are permitted in any other areas of the entire District. Other than allowed here firearms and muzzleloaders are completely banned from the entire District.

If you

choose to visit this area during this timeframe, bright colored clothing such as "hunter's orange" should be worn.