

**VILLAGE OF FRUITPORT
REGULAR COUNCIL MEETING
NOVEMBER 18TH 2019**

1. Call to Order

President Roger Vanderstelt called the meeting to order at 6:58pm

2. Pledge

3. Prayer

4. Roll call

Present: Roger Vanderstelt, Amy Haack, Carl Rothenberger, Bill Overkamp, Jay Bolt, Jeff Guiles, Ann LaCroix and Bill Overkamp (excused arrived at 7:05pm).

5. Approve the agenda for the November 18th Council meeting

Motion made by Amy to approve the November 18th agenda, supported by Donna. With a unanimous vote, the motion carried.

6. Approval of October 21st Council meeting minutes and October 28th Special Council Meeting

Motion made by Amy to approve the October 21st meeting minutes, supported by Carl. With a unanimous vote, the motion carried. Motion made by Donna to approve the October 28th Special Council Meeting minutes, supported by Amy. With a unanimous vote, the motion carried.

7. Public Comment

None

8. Correspondence

Ann advised that she received the Lions' Club request for Old Fashioned Christmas and the proof of liability insurance. Motion made by Roger to approve the request, supported by Jeff. With a unanimous vote, the motion carried. Ann scheduled a representative from the Lower Grand River Organization of Watersheds (LGROW) to attend the January council meeting. Ann reminded everyone that State Representative Greg VanWoerkom will be holding an office hour at the DPW on Monday November 25th from 11am-12pm. Reminder the Master Plan Open House is Monday December 9th from 5:30pm-7:00pm.

9. Reports from Officers

Donna had nothing to report.

Jeff had nothing to report.

Amy advised that the Muskegon County Board of Commissioners has approved allocating 25% of the annual senior millage funds to the local municipalities. Each municipality would receive a base funding of \$3,500.00 and additional funding based on the population of seniors in the municipality. To accept funding a plan would need to be provided by the Village. This could be an opportunity for partnering with the Lions, Township or other groups.

Bill advised that he attended a meeting with several students at Orchard View Elementary, along with Jay. The students visited Pomona Park in September and documented concerns about the water levels. They discussed items that they thought needed to be addressed and ideas to correct the problems.

Carl had nothing to report.

Jay will report later in the meeting under specific agenda items.

Roger asked if any council member would like to replace Donna on the library board. Bill agreed to check his availability based on their meeting schedule. Roger advised the brush hog work has been completed on the new park property.

10. Planning Commission appointments

See attached motions.

11. Official Land Use Ordinance Zoning Map

Jay gave an overview of the new Zoning Map and recommendation from the Planning Commission. Amy questioned two parcels on the south end of Third Avenue as to why they were being zoned residential and not business. She asked if the planning commission had reached out to those parcel owners regarding the zoning. Jay advised they couldn't find proof that the parcels were ever zoned business and that they are legal non-conforming. See attached motion.

12. 2020 3rd Avenue Project

Jay reviewed his 2020 3rd Avenue report with council, updating council on the project status. They also received a copy of it. Information has been submitted to MDOT. The bid process starts in January. Project anticipated to take place between June 15th – August 15th.

13. 5th and Beech

Roger advised he is waiting on information from Prein and Newhof. Tabled until the next council meeting.

14. Dancing into Sunset – Sue Halter

Sue gave an overview of Dancing into Sunset. Motion made by Roger to allow Dancing into Sunset for the 2020 summer season, supported by Donna. With a unanimous vote, the motion carried. Roger thanked Sue for the great job that she is doing.

15. Census Presentation

Joe Jonaitis from the US Census Bureau shared a power point presentation with council. Joe suggested ways to promote awareness of the census so that everyone is counted. He shared a lot of information and answered council questions.

16. Public Comment

None

17. Warrants

Motion made by Carl to approve the warrants, supported by Jeff. Roll call AYES: Pope, Haack, Rothenberger, Overkamp, Bolt, Guiles and Vanderstelt NAYS: None

18. Adjournment

Motion made by Donna to adjourn at 8:42pm, supported by Carl. With a unanimous vote, the motion carried.

Respectfully submitted by,

Ann LaCroix
Clerk

VILLAGE OF FRUITPORT, MICHIGAN

**A MOTION TO APPOINT CONNIE SMITH TO THE FRUITPORT VILLAGE
PLANNING COMMISSION**

THE FOLLOWING MOTION WAS OFFERED BY COUNCIL MEMBER Amy Haack

AND SUPPORTED BY COUNCIL MEMBER Roger Vanderstelt.

WHEREAS, the Fruitport Village Clerk has received official notification from Jeff Jacobs to resign from the Fruitport Village Planning Commission with an effective date of November, 2019; and

WHEREAS, this results in a vacant Fruitport Planning Commission position to be filled by a Village resident ; and

WHEREAS, Connie Smith has previously submitted a resume and been interviewed by the Zoning Administrator and Planning Commission Council Representative and she remains interested in being re-appointed to the Planning Commission; and

WHEREAS, Connie Smith is deemed to be a resident of Fruitport Village and also deemed to be of good character and in good standing in the community;

NOW THEREFORE, THE FRUITPORT VILLAGE COUNCIL DESIRES TO APPOINT CONNIE SMITH TO THE FRUITPORT VILLAGE PLANNING COMMISSION EFFECTIVE DECEMBER 1, 2019 TO FILL THE POSITION VACATED BY JEFF JACOBS.

FURTHERMORE,

AYES 7

NAYS 0

ABSENT 0

ABSTAIN 0

MOTION ADOPTED ON THIS 18TH DAY OF NOVEMBER, 2019 AT ITS REGULAR MEETING HELD AT THE DPW BUILDING IN THE VILLAGE OF FRUITPORT, MICHIGAN.

ANN LACROIX

CLERK/TREASURER

VILLAGE OF FRUITPORT, MICHIGAN

**A MOTION TO APPOINT JEN CROSS TO THE FRUITPORT VILLAGE
PLANNING COMMISSION**

THE FOLLOWING MOTION WAS OFFERED BY COUNCIL MEMBER

Roger Vanderstelt

AND SUPPORTED BY COUNCIL MEMBER Jeff Guiles.

WHEREAS, the Fruitport Village Clerk has received official notification from DeVere Bendixen to resign from the Fruitport Village Planning Commission with an effective date of November, 2019; and

WHEREAS, this results in a vacant Fruitport Planning Commission position to be filled by a Village resident; and

WHEREAS, Jen Cross has previously submitted a resume and been interviewed by the Zoning Administrator and Planning Commission Council Representative and she remains interested in being appointed to the Planning Commission; and

WHEREAS, Jen Cross is deemed to be a resident of Fruitport Village and also deemed to be of good character and in good standing in the community;

NOW THEREFORE, THE FRUITPORT VILLAGE COUNCIL DESIRES TO APPOINT JEN CROSS TO THE FRUITPORT VILLAGE PLANNING COMMISSION EFFECTIVE DECEMBER 1, 2019 TO FILL THE CURRENT VACANT POSITION.

FURTHERMORE,

AYES 7

NAYS 0

ABSENT 0

ABSTAIN 0

MOTION ADOPTED ON THIS 18th DAY OF NOVEMBER, 2019 AT ITS REGULAR MEETING HELD AT THE DPW BUILDING IN THE VILLAGE OF FRUITPORT, MICHIGAN.s

ANN LACROIX

Village Clerk/Treasurer

VILLAGE OF FRUITPORT, MICHIGAN

**A RESOLUTION BY THE FRUITPORT VILLAGE COUNCIL TO APPROVE
THE "OFFICIAL LAND USE ZONING MAP FOR THE VILLAGE OF
FRUITPORT"**

THE FOLLOWING MOTION WAS OFFERED BY VILLAGE COUNCIL REPRESENTATIVE TO THE PLANNING COMMISSION JAY BOLT;

AND SUPPORTED BY VILLAGE COUNCIL MEMBER JEFF GUILLES.

WHEREAS, the Fruitport Planning Commission was commissioned by the Fruitport Village Council in December 2017 to review and update "THE OFFICIAL LAND USE ZONING MAP FOR THE VILLAGE OF FRUITPORT"; and

WHEREAS, the Planning Commission completed its review of the Official Zoning Map on September 26, 2019; and

WHEREAS, the Planning Commission conducted a Public Hearing on October 24, 2019; and

WHEREAS, the Planning Commission found little understanding and clarity of administration and change management procedures that should be implemented and followed; and

WHEREAS, the following list of rezoning changes were reviewed and the Planning Commission issued a MOTION to approve same on October 24, 2019.

<u>PARCEL #</u>	<u>ADDRESS</u>	<u>CURRENT TO PROPOSED ZONE</u>
<u>FRUITPORT COMMUNITY SCHOOLS</u>		
#41-150-007-0001-00	305 E. PONTALUNA RD.	FROM- INSTITUTIONAL TO- RESIDENTIAL
<u>FRUITPORT CEMETARY</u>		
#41-150-001-0001-00	3976 PONTALUNA RD.	FROM- INSTITUTIONAL TO- RESIDENTIAL
<u>POMONA PARK</u>		
#41-150-029-0001-00	47 3 RD AVENUE	FROM- INSTITUTIONAL TO- RESIDENTIAL
<u>MODULAR INTERIORS, INC.</u>		
#41-150-031-0001-00	169 PARK STREET	FROM- INDUSTRIAL TO- BUSINESS

NOW THEREFORE, BE IT RESOLVED THE FRUITPORT VILLAGE COUNCIL RECOMMENDS APPROVAL OF "THE OFFICIAL LAND USE ZONING MAP FOR THE VILLAGE OF FRUITPORT" DATED NOVEMBER 18, 2019 INCLUSIVE OF THE CHANGES CITED ABOVE; AND

FURTHERMORE, ANY AND ALL PRIOR VILLAGE LAND USE CODE ORDINANCE ZONING MAP/S/ ARE HEREBY DECLARED NULL AND VOID; AND

FURTHERMORE, THE NEWLY UPDATED “OFFICIAL LAND USE ZONING MAP FOR THE VILLAGE OF FRUITPORT” IS TO BE INCLUDED AND PUBLISHED WITH THE VILLAGE COUNCILS PREVIOUSLY APPROVED LAND USE CODE ORDINANCE IN SEPTEMBER 2019; AND

FURTHERMORE, FOR PURPOSES OF ADMINISTRATION AND CHANGE MANAGEMENT OF THE VILLAGE LAND USE CODE AND ACCOMPANYING ZONING MAP, THE VILLAGE CLERK WITH SUPPORT OF THE VILLAGE COUNCIL REPRESENTATIVE TO THE PLANNING COMMISSION SHALL BE RESPONSIBLE TO ADMINISTER AND MAINTAIN A WRITTEN RECORD OF ALL CORRECTIONS, CHANGES AND DELETIONS TO THE LAND USE CODE ORDINANCE AND THE ACCOMPANYING ZONING MAP; AND

FURTHERMORE, COMMENCING WITH THIS AND ANY FUTURE VILLAGE RESOLUTIONS AUTHORIZING CORRECTIONS, CHANGES AND DELETIONS TO THE ZONING MAP ARE TO RESULT IN THE VILLAGE CLERK GIVING WRITTEN AUTHORIZATION TO THE COUNTY TAX EQUITY AND TOWNSHIP TAX ASSESSOR OFFICES TO EXECUTE AND UPDATE ALL INDIVIDUAL PARCEL RECORDS AND ANY OTHER RELATED DOCUMENTS FOR THE PUBLIC RECORD; AND

FURTHERMORE, IF A ZONING MAP CHANGE IS AUTHORIZED BY THE VILLAGE COUNCIL A NEWLY UPDATED “OFFICIAL LAND USE ZONING MAP FOR THE VILLAGE OF FRUITPORT” SHALL BE REQUESTED BY THE VILLAGE CLERK TO THE COUNTY GIS – “OFFICE SERVICES” DEPARTMENT. IT IS TO BE POSTED IN THE VILLAGE OFFICE WITH THE NEWLY APPROVED DATE AND INCLUDED IN THE “OFFICIAL CODIFIED LAND USE CODE ORDINANCE” BOOK MAINTAINED BY THE VILLAGE CLERK; AND

FURTHERMORE, FUTURE DISTRIBUTION OF THIS RESOLUTION AND ANY FUTURE CHANGE RESOLUTIONS, ANY ACCOMPANYING UPDATED ZONING MAPS AND THE RECENTLY APPROVED “FRUITPORT LAND USE CODE ORDINANCE” SHALL INCLUDE BUT NOT LIMITED TO THE: COUNTY TAX EQUITY OFFICE, TOWNSHIP TAX ASSESSOR OFFICE, MICHIGAN TOWNSHIP SERVICES (MTS), FRUITPORT PLANNING COMMISSION, FRUITPORT ZONING ADMINISTRATOR, ADJACENT COMMUNITIES AS APPROPRIATE, VILLAGE CLERK AND ANY OTHER ENTITY OR PERSON DEEMED APPROPRIATE BY THE VILLAGE CLERK

FURTHERMORE, THE FRUITPORT VILLAGE PLANNING COMMISSION RECOMMENDS TO THE FRUITPORT VILLAGE COUNCIL THAT CONSIDERATION BE GIVEN TO PLACING A “DEED RESTRICTION” ON POMONA PARK PARCELS STATING IT SHALL REMAIN A PARK AND NO OTHER FUTURE USE SHALL BE GRANTED.

RESOLUTION ADOPTED ON THIS 18th DAY OF NOVEMBER, 2019 AT ITS REGULAR MEETING HELD AT THE DPW BUILDING IN THE VILLAGE OF FRUITPORT, MICHIGAN.

AYES – 6 Pope, Rothenberger, Overkamp, Bolt, Guiles and Vanderstelt

NAYS – 1 Haack

ABSENT None

ABSTAIN None

ROGER VANDERSTELT

VILLAGE PRESIDENT

ANN LACROIX

VILLAGE CLERK/TREASURER