

**ADA TOWNSHIP BOARD MEETING
MINUTES
FEBRUARY 13, 2006**

Meeting was called to order by Supervisor Haga at 7:30 p.m. Members present: Supervisor Haga, Treasurer Pratt, Clerk Ensing Millhuff, Trustees: Damstra, Proos, Sytsma and Westra. Also present: Planning Director Ferro, Recording Secretary Smith and 25 community members.

APPROVAL OF AGENDA

Deleted from the agenda under New Business: Item B. Park Committee Recommendation - Purchase of Temporary Building for Roselle Park. **Moved by Sytsma, supported by Proos, to approve the agenda as amended. Motion carried.**

GENERAL TOWNSHIP BUSINESS

CONSENT AGENDA:

Approval of Minutes

January 23, 2006, Regular Board Meeting

Receive and File Various Reports

1. Fire Call Reports - 1/06; 2. Planning Commission Report - 1/06; 3. Building Permit Report - 1/06; 4. Financial Report - 12/05; 5. GO! Bus Activity report - 1/06; 6. Ada Moorings North PUD Conditions of Approval Report; 7. Hilltop Building Project Report.

Receive and File Various Communications

1. MTA Legislative Update Fax - 1/13/06 & 1/30/06; 2. MTA Capital Currents - 2/06; 3. Ada Business Association - Business Connections - 12/05; 4. Kent County Detail - 1/06; 5. Kent County Road Commission - Response to Supervisor Letter - 1/30/06; 6. Ada Historical Society Minutes - 12/10/05; 7. GRETS - Minutes - 11/16/05; 8. Pettis Recycling - Open Meetings Act - 1/30/06; 9. Township Supervisor - Open Meetings Act Response - 2/1/06; 10. Senator Levin - General Activity Letter - 1/10/06; 11. GRETS - Grand Region Five Year Transportation Program - 2006-2010; 12. Region 8 Notes - 1/06; 13. Utility Advisory Board Minutes - 12/15/05; 14. Comcast Community Connections Newsletter - 1/19/06; 15. Home & Building Association - Parade of Homes - 1/24/06; 16. Nygren e-mail - Master Plan - 2/1/06.

Moved by Westra, supported by Pratt, to approve items on the Consent Agenda. Motion carried.

APPROVAL OF WARRANTS AND RECEIPTS

Treasurer Pratt presented Warrants and Receipts in the following amounts: Hand Checks: #101 \$6,753.83; #205 \$1,785.98; #208 \$416.83; #590 \$143.40; #591 \$180.82; #592 \$182.98. Total Hand Checks \$9,463.84. Warrants: #101 \$16,464.80; #205 \$6,671.21; #208 \$2,698.54; #249 \$459.60; #590 \$70,635.44; #591 \$112,959.04; #592 \$2,056.97. Total Warrants \$211,945.60. Total Checks and Warrants \$221,409.44.

Moved by Proos, supported by Sytsma, to approve the Warrant Report of February 13, 2006, in the amount of \$221,409.44. Trustee Westra asked for clarification on the two different fees by Dirt Cheap. Clerk Ensing Millhuff explained they were both for burials, but there are different amounts determined by weekend or weekday burials. **Roll Call: Yes - Damstra, Proos, Westra, Sytsma, Pratt, Ensing Millhuff, Haga. No - 0. Absent - 0. Motion carried.**

APPLICATION NO. 4 AND FINAL - FULTON LIFT STATION PROJECT

Moved by Westra, supported by Pratt, to approve the Application No. 4 and Final for the Fulton Lift Station Repair Project, in the amount of \$50,898.35. Trustee Proos asked if there was a warranty. Supervisor Haga replied there were both a warranty and a lien report. **Roll Call: Yes - Haga, Ensing Millhuff, Pratt, Westra, Sytsma, Damstra, Proos. No - 0. Absent - 0. Motion carried.**

PUBLIC COMMENT

John Eck, 7817 Thornapple Club Drive, wanted the minutes corrected to reflect that he did not believe the referendum petition was null and void due to the action of the Planning Commission, but he does believe there was an attempt by the Township and Eastbrook Homes to make it null and void by the Planning Commission action. However, the referendum in his opinion is valid. He also stated there was a Planning Commission meeting on Thursday to review the dual zoning of the two lots in Ada Moorings.

Fred Kamminga, attorney and owner of Kamminga Development in Caledonia, stated he had been retained to represent Edie Pettis in her land transactions and that he would be present throughout the evening if the board had questions during its closed session.

William Abrahamson, 1970 Wellpoint Court, stated he was opposed to the rock crushing and recycling operation and any other industrial processing that might be planned or approved for the area.

Lloyd Paul, 1268 Pettis, stated he had come to the Township Board, Planning Commission and ZBA meetings for approximately a year to express his concerns regarding mining and recycling operations along Pettis Avenue stating in his opinion it was time for the land to become residential.

Supervisor Haga stated that between the 8th and 13th of February eight e-mails had been received regarding the operations on Pettis Avenue.

BOARD COMMENT

Trustee Damstra stated he had noticed in the building permit report there were building permits to Eastbrook Builders and in previous board discussions, that permits were to be withheld unless the original stipulations asking if the stipulations had been met. Trustee Damstra also said he was concerned about follow-up and some actions not being done in a timely manner. Adding the board had the ability to put some teeth into enforcement and they should enforce the decisions that were made. He supported the suggestions by other board members regarding tracking issues. Supervisor Haga stated the Administrative Committee had made the suggestion to pursue software through BS&A that would assist in follow-up and keeping tracking of issues.

Treasurer Pratt, Clerk Millhuff, Trustee Proos and Sytsma stated they agreed with the need to follow-up on comments.

Trustee Westra stated he was more interested in seeing a list of open items than detail on fire calls and other reports. He would like to see a priority list on things the Township has promised to do, including the status of the issue, to whom they had been assigned, percentage of completion, and whether they were done timely or behind schedule. Trustee Westra also stated he had spoke with Frank Hoover after the last meeting regarding the trail maintenance and Mr. Hoover had supplied him with a list of problem areas. Trustee Westra stated he would deliver e a copy of the list for review for the next board meeting packet.

Clerk Ensing Millhuff stated it was very important each department follow up on issues and this was one of the most important duties of any public official; adding the clerk's office has used a follow-up program for some time. Clerk Millhuff also distributed information regarding the Community Media Center and township franchising regulations.

Supervisor Haga explained, as a result of the property conversion process, he and the assessor had reviewed changes affecting the equalized value of some properties and correspondence was sent to property owners based on certain factors and was intended as a pre-board of review notice.

OLD BUSINESS

ORDINANCE 0-021306-1 - SEWER SERVICE ORDINANCE

Supervisor Haga explained the proposed ordinance.

Moved by Pratt, supported by Westra, to adopt Ordinance 0-021306-1, which is a sewer service ordinance. Roll Call: Yes - Pratt, Sytsma, Westra, Ensing Millhuff, Haga, Damstra, Proos. No - 0. Absent - 0. Ordinance adopted.

NEW BUSINESS

PLANNING COMMISSION RECOMMENDATION - CREATION OF A HISTORIC DISTRICT STUDY COMMITTEE

Planning Director Ferro explained the board authorized the Planning Commission to obtain legal assistance to evaluate types of historic regulations that might be regulated within the township. Explaining there were two legal mechanisms local governments could adopt: 1) following a specific local historic district 2) zoning with historic overlay regulations. The Planning Commission has not yet recommended which alternative should be pursued, but thought the best choice would be to follow procedures under the Historic Districts Act which seem be the more detailed set of procedures and regulations. The initial step would be for the township board to appoint a separate Historic District Study Committee with 3 planning commission members to study the need for historic preservation, where it applies, district boundaries, etc.

Moved by Westra, supported by Sytsma, to approve the recommendation from the Planning

Commission to create a Historic District Study Committee.

Trustee Proos expressed concern about creating more regulations when there is difficulty maintaining and enforcing the existing regulations.

Clerk Ensing Millhuff asked for clarification about the how this request could change the previously board approved one on this subject and if estimated cost approved for Mr. Leisman services for this project would change.

Supervisor Haga asked about a timeline and whether additional funding would be required.

Trustee Westra suggested combining this process with the current " Village Charrette".

Trustee Sytsma stated that the Planning Commission wanted the board to simply create a committee to study the possibility of a historic district, not to actually create an ordinance at this time.

Clerk Ensing Millhuff stated this process could incorporate the charrette process for the village and requested a least 7 member committee with 2 residents from the village and 1 historical society member.

Supervisor Haga asked for input as to whether to create this committee and if so, the number and make-up of the committee members.

Trustee Damstra stated the board should proceed with a lot of caution. Adding, he didn't believe anyone wanted a lot of regulations regarding this issue, but it should be investigated to see if it made sense.

Trustee Sytsma stated there should be a seven-member committee with three from the Planning Commission and four at large members. Clerk Ensing Millhuff suggested at least two be residents of the village with at least one member from the current "Village Charrette" Committee".

Trustee Proos suggested a couple be from the Historical Society.

Trustee Westra stated that there should be an overlap of people on both the charrette and this committee so better communication could take place.

Motion carried.

RESOLUTION R-021305-1 - LIQUOR LICENSE TRANSFER - 8124 E. FULTON

Supervisor Haga stated he had received an amendment to include a new dance permit on the application, but the entertainment permit as requested was not necessary due to the intended purpose was to show sportscasts or sports activities on video or TV.

Jeff Woodman, president of Grundy wood Corporation, explained that the primary reason for the entertainment permit was his understanding to cover karaoke and the possibility of sporting events. He was told while investigating the license with the LCC that it might be a good time to add a dance permit in case he would need it in the future.

Moved by Ensing Millhuff, supported by Proos, to adopt Resolution R-021306-1, which is a liquor license transfer at 8124 East Fulton, along with a new dance permit as requested.

Roll Call: Yes - Proos, Sytsma, Westra, Ensing Millhuff, Haga, Pratt, Damstra. No - 0. Absent - 0. Resolution adopted.

MOTION TO PROCEED INTO CLOSED SESSION TO DISCUSS WRITTEN LEGAL OPINION REGARDING 1101 PETTIS AVENUE

Attorney John Sperla explained there was a question about the appropriateness of going into closed session when there's no pending litigation. Stating case law is well developed, and there are pertinent provisions of the Open Meetings Act and Freedom of Information Acts which provide exemptions for attorney/client privilege. He was

confident it would be appropriate to go into closed session for the purposes of discussing the opinion, even without pending litigation.

Moved by Westra, supported by Damstra, to proceed into closed session to discuss written legal opinion regarding 1101 Pettis Avenue. Roll Call: Yes - Damstra, Proos, Westra, Sytsma, Haga, Pratt, Ensing Millhuff. Motion carried.

Moved by Westra, supported by Proos, to return to the regular session. Motion carried.

Moved by Damstra, supported by Proos, to follow the recommendation from legal counsel and to instruct the Zoning Board Administrator to send out a violation notice in writing as recommended. Roll Call: Yes - Damstra, Proos, Sytsma, Westra, Haga. No - Ensing Millhuff, Pratt. Motion carried.

OPPORTUNITY FOR ADDITIONAL PUBLIC COMMENT

Bill Cullen, representing Skyvale Association, expressed concern about construction going on in the two adjoining buildings between Pettis and Associates property/Conservation Ave/abutting Darby Farms. Adding, the association believes property with mining is a deterrent and detrimental to the aesthetics of Ada Township and would oppose any further activity.

ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

**Deborah Ensing Millhuff, CMC
Ada Township Clerk**

RS: JS