

**ADA TOWNSHIP BOARD MEETING
MINUTES
JULY 13, 2009**

Meeting was called to order by Supervisor Haga at 7:30 p.m. Members present: Supervisor Haga, Clerk Burton, Treasurer Rhoades. Trustees: Westra, Smith, and Sytsma. Also present: Planning Director Ferro, Recording Secretary Johnson and ten community members. Members absent: Trustee Proos.

APPROVAL OF AGENDA

Motion to approve agenda as presented. **Moved by Westra, supported by Rhoades. Yes – 6, No – 0; Absent: 1 Motion carried.**

GENERAL TOWNSHIP BUSINESS

CONSENT AGENDA:

Approval of Minutes

June 22, 2009, Regular Board Meeting

Receive and File Various Reports/Communications

1. Open Space Preservation Board Minutes - 5/14/2009; 2. Utility Advisory Board Minutes - 5/28/2009; 3. Ada Historical Society Minutes - 5/9/2009; 4. Comcast Updates/Channels - 6/19/2009, 6/29/2009; 5. MTA Legislative Update Fax - 6/19/2009, 6/25/2009, 6/26/2009. 6. Region 8 Notes - 7/2009; 7. Fire Department – Vehicle Disposition; 8. 2008 Grand Valley Water Quality Report; 9. 2008 Ada Water Quality Report; **Moved by Westra, supported by Smith, to approve the Minutes and accept the reports and communications under the Consent Agenda. Yes – 6, No – 0, Absent: 1 Motion carried.**

APPROVAL OF WARRANTS AND RECEIPTS

Treasurer Rhoades presented Warrants and Receipts in the following amounts: Hand Checks: #101 \$9,732.24; #205 \$1,542.50; #208 \$704.84; #248 \$2,709.91; #590 \$3,661.28; #591 \$1,918.26; #592 \$594.30; Total All Hand Checks \$20,863.33. Warrants: #101 \$37,544.20; #205 \$21,223.43; #208 \$12,479.34; #211 \$19.51; #213 \$493.90; #248 \$648.05; #590 \$78,332.78; #591 \$17,011.33; #592 \$695.84; Total Warrants \$168,448.38. Total All Checks and Warrants \$189,311.71. **Moved by Sytsma, supported by Rhoades, to approve the Warrant Report for July 13, 2009, in the amount of \$189,311.71.** Supervisor Haga noted Fund 248 in the Warrant section was cited as Parks and Open Spaces; it is the DDA fund. Trustee Westra said Items 3 and 4 of the Warrant Report contained line items that exceeded \$1500. He inquired as to the reason those items were not put to competitive bid. Supervisor Haga explained some of those items were standard, regular purchases from utility enterprise funds, and some were related to the emergency repairs to the force main. In response to Trustee Westra's question concerning training provided to the assessor, Supervisor Haga clarified the assessor is a part-time employee of the township, and not a contractor. **Roll Call: Yes – Rhoades, Sytsma, Westra, Burton, Smith, Haga. No - 0. Absent – Proos. Motion carried.**

PUBLIC COMMENT

Stephen Ibanez, Greentree Farms, inquired about the fire truck, which was to be donated to a rural community in need. Supervisor Haga clarified there were two trucks; the rescue truck was donated to Croton Township and the pickup truck with the cracked frame was sold after public bid.

BOARD COMMENT

Trustee Westra inquired if, according to the revised employee manual's section on outside employment, there was a potential conflict of interest for the assessor, who is not only a part-time employee of Ada Township, but works for other municipalities. Supervisor Haga indicated he would verify, but he did not believe it was a conflict of interest.

Trustee Westra asked about the planned installation date of the .Net update to the BS&A software. Supervisor Haga explained the recent item on the Warrant Report pertained to an equipment survey to determine if the equipment meets .Net requirements for the approaching rollout of the update; the rollout date has not yet been decided.

In response to Trustee Westra's query about the status of services currently provided by the Community Media Center, Clerk Burton indicated that the Community Media Center had agreed early in 2009 to do the filming for the Fourth of July activities this year; there was no charge for that work. Trustee Westra noted all of the potential vendors should be given the same opportunity to address the Board on providing these services.

Trustee Westra queried if advanced tools will be used for capital improvement planning. Supervisor Haga responded there will be a meeting next week; at this point the reporting is still spreadsheet-based. Trustee Westra urged the use of tools that would allow a clear picture and detailed analysis of the status of projects and finances, particularly in light of meeting the statutory deadlines.

Supervisor Haga explained the recent Water Quality Report mailing is required by the DEQ to be a separate mailing.

Clerk Burton reported the fireworks held in the Village this year went very well. The feedback was very positive. She also noted the first Ada Farmer's Market, which began one week prior, was a huge success. There were 20 vendors and they were very happy with the traffic in the Market; some sold out completely. The vendor capacity is already completely filled. Trustee Sytsma suggested possibilities to allow for additional vendors as needed. Clerk Burton indicated the Clerk's office is working to prevent any vendors from being turned away, but flow of traffic must also be considered.

Treasurer Rhodes thanked everyone for their effort in making sure the parade proceeded smoothly. Clerk Burton and Trustee Sytsma commended his efforts in managing the parade. Supervisor Haga acknowledged the work the many volunteers and staff put into the Fourth of July festivities. He noted the positive feedback was not only from the attendees, but also the businesses in the Village.

Supervisor Haga reminded the Board the Township Board - Planning Commission work session is July 20th at 7:30 pm. The tentative agenda includes property maintenance ordinances and term limits for the Planning Commission. Also, the Kent County Road Commission is scheduled to hold a public hearing on July 14th at 7:00 pm for the removal of the natural beauty designation for Bailey Drive. Finally, on July 27th, the Utility Department will present a proposal for the examination of the Ada Drive sewer force main as well as a proposal for expedition of the drainage of the 16-inch force main.

Supervisor Haga stated the Ada Historic Society is in the process of developing a walking tour of historic Ada. They are seeking information on houses and properties that have historical merit or interesting stories. No date or time has been set; they are in the organizational phase.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

ORDINANCE O-071309-1, ZONING ORDINANCE TEXT AMENDMENT TO DELETE THE REQUIREMENT THAT FINANCIAL INSTITUTIONS WITH DRIVE-THROUGH SERVICE WINDOWS IN THE PROFESSIONAL OFFICE (PO) DISTRICT BE LOCATED ON A CORNER LOT AT A SIGNALIZED INTERSECTION

Planning Director Jim Ferro presented the proposed ordinance. The amendment was formally requested by Flagstar Bank, FSB. If approved, it will allow them to add drive-through facilities to their branch located on the south side of Cascade Road. Prior to 1995, drive-through facilities were prohibited in the Professional Office (PO) District altogether. In 1995, the regulations were revised to allow financial institutions to have drive-through facilities if they were located on a corner lot at a signalized intersection. However, since 1995, Cascade has been transformed to a five-lane road, with a center lane to handle left turns. This reduces potential traffic conflicts. In addition, changes in the banking industry (online banking, direct deposit, etc.) have significantly reduced the potential traffic generated by a drive-through facility. Therefore, the Zoning Board recommended adoption of the ordinance. **Moved by Sytsma, supported by Burton, to adopt Ordinance O-071309-1, a Zoning Ordinance text amendment to delete the requirement that financial institutions with drive-through service windows in the Professional Office District be located on a corner lot at a signalized intersection.** The Board discussed the reasons behind limiting drive-through service windows in the PO District to financial institutions only vs. limiting by a class of usage or even allowing all businesses within the PO District to have drive-through service windows. **Roll Call: Yes – Sytsma, Burton, Rhoades, Smith, Haga. No – Westra. Absent – Proos. Ordinance is adopted.**

ORDINANCE O-071309-2, ZONING ORDINANCE TEXT AMENDMENT TO REVISE THE PROVISIONS CONCERNING ALLOWABLE TEMPORARY SIGNS, TO ADD PROVISIONS REGARDING “COMMUNITY SPECIAL EVENT SIGNS”, AND TO ADD PROHIBITIONS ON THE USE OF “PEDESTRIAN SIGNS” AND “VEHICLE SIGNS”

Planning Director Jim Ferro presented the proposed ordinance. The ordinance increases the allowable permanent wall sign size and establishes a sliding scale to determine the allowable size based on the floor area of the applicable business with a maximum allowable size of 40 square feet. The ordinance also allows permits for temporary signs beyond grand opening, with a limited allotment per business per year and allows sidewalk sandwich board signs within the C1 Commercial District (the Village proper). The ordinance adds provisions for community special events signs; this is a formalization of previous community event signage practice. Finally, the ordinance adds prohibitions on the use of “pedestrian signs” (a sign held or worn by a person) and vehicle signs (a vehicle with a sign wherein the primary purpose of the vehicle is as a sign). At the public hearing held by the Planning Commission, there was little public comment on these proposed changes; there was some positive feedback. **Moved by Sytsma, supported by Smith, to adopt Ordinance O-071309-2, a Zoning Ordinance text amendment to revise the provisions concerning allowable temporary signs, to add provisions regarding “community special event signs”, and to add prohibitions on the use of “pedestrian signs” and “vehicle signs”.** The Board had Planning Director Ferro clarify a few points of the ordinance. Some of the local signage falls outside this specific ordinance, such as construction or real estate signs. Another ordinance covers the prohibition of exhibiting vehicles for sale in commercial parking lots. The Board discussed the intent and effect of the strategy of allocating 4 permitted uses of temporary signage per year to individual premise businesses, and allocating 2 permitted uses of temporary signage per year to tenant businesses located within business centers (with an additional 2 permitted uses of temporary signage per year for the business centers themselves).

Moved by Westra to amend Item #4 within the preamble of the ordinance to change “Enhancement of the village business district’s country image and quaint charm” to “Enhancement of the village business district’s image”. Support by Smith. Yes – 6, No – 0, Absent: 1; Amendment to the motion carried.

The Board also discussed the potential manifestations of “pedestrian” and “vehicle” signage and the implications of the ordinance as written.

Moved by Westra to amend Section #4 of the proposed amendment ordinance (amending Section 78-745) to change item #6 from “Vehicle signs, where the vehicle is located on private property for the primary purpose of displaying the sign located thereon for viewing from off the premises” to “Vehicle signs, where the vehicle is located on private property for the primary purpose of displaying a sign located thereon that relates to a use on the property on which the vehicle is located for viewing from off the premises”. Support by Burton. Treasurer Rhoades noted some businesses have limited vehicle parking; this may cause them to inadvertently violate the ordinance. The Board discussed if the phrase

“for the primary purpose of displaying the sign” as used in the text would be sufficient to address this concern. **Westra withdrew the motion to amend; Burton withdrew support for the motion to amend. Amendment to the motion is withdrawn.**

Moved by Westra to amend Section #4 of the proposed amendment ordinance (amending Section 78-745) to strike item 6 governing vehicle signs and return that subject to the Planning Commission for further evaluation and possible adoption at a future date. Support by Rhoades. Yes – 6, No – 0 Absent- 1; Amendment to the motion carried.

Moved by Smith to amend Section #1 of the proposed amendment ordinance (amending Section 78-745) to strike the definition of vehicle signs. Support by Westra. Yes – 6, No – 0 Absent- 1; Amendment to the motion carried.

Roll Call: Yes – Westra, Rhoades, Burton, Smith, Sytsma, Haga. No – None. Absent – Proos. Ordinance as amended is adopted.

ADA TOWNSHIP 2009 TAX RATES

Supervisor Haga outlined the annual process, which occurs prior to the December tax collection wherein the Ada Township Board determines the tax rates to be collected in December. The Township held the public hearing during the budget adoption process. The taxable value is \$926,679,477. Supervisor Haga reported the various rate options and the impact on revenue for the various funds. **Moved by Smith, supported by Westra, to adopt the maximum allowable millage rates without truth in taxation hearing. The rates are: General Fund 101- 0.9144, Public Safety 205 - 0.9932, Parks 208 - 0.2442, Parks/Open Space 213 - 0.3954, and Trails - 0.4965, based on taxable value of \$926,679,477. Yes – 6, No – 0 Absent-1; Motion carried.**

EMPLOYEE HANDBOOK UPDATE

Supervisor Haga indicated the Employee Handbook Update was reviewed by the Administrative/Personnel Committee and legal counsel; adoption of the update is recommended. The update brings the Handbook up to current standards; it also incorporates amendments previously approved. **Moved by Smith, supported by Sytsma, to adopt the updated Ada Township Employee Handbook as revised.**

Moved by Smith to amend the fifth paragraph in the section on “Harassment and Employee Dignity” to change the text from “Submission to such conduct is made either explicitly or implicitly a term or condition of employment of an individual’s employment” by deleting the phrase “of employment”. Support by Westra. Yes – 6, No – 0 Absent-1; Amendment to the motion carried.

Trustee Sytsma raised the question of posting job openings; Supervisor Haga indicated the process for posting job openings should be addressed through a township policy, not in the Employee Handbook.

Trustee Smith pointed out the potential coverage gap between the maximum sick time and the commencement of long-term disability coverage.

Trustee Westra inquired if the Employee Handbook would be easily available electronically to the staff, and asked about the stricter limitations imposed in the limitation on claims section, which were included on advice of counsel.

Trustee Westra also raised the issue of employee consent to monitoring of telephone and computer use. The Board discussed the need for a township policy outlining the rules and process for monitoring, the persons responsible for monitoring, the persons responsible for authorizing the monitoring, etc.

Moved by Westra to amend the text in the “Conflicts of Interest” section to change the text from “accepting compensation or gifts with a value of greater than \$25.00 from any of our citizens or suppliers” by deleting “with a value of greater than \$25.00”. Motion died due to lack of support.

As regards the Confidentiality section, Trustee Westra inquired as to the definition of “non-routine” information. To prevent any misunderstanding and improve clarity, he recommended including a list for employees of several types of routine vs. non-routine information.

The Board discussed the section on Outside Employment and how outside employment can potentially create conflicts of interest, and in reference to the Attendance and Punctuality section, Trustee Westra noted that there is no formal time and project tracking accounting system in place at the Township. As a smaller government body, a computer-based monitoring system could potentially add a cost and effort burden. However, examining this issue could be evaluated in the future.

Yes – 6, No – 0 Absent-1; Motion as amended carried.

TOWNSHIP FERTILIZATION CONTRACT FOR SERVICES

Park Director Mark Fitzpatrick presented to the Board. Two bids were received for the township fertilization contract; both bids were from outstanding firms that also serve other municipalities in the area. **Moved by Westra, supported by Burton, to approve the recommendation to contract with Thornapple River Nursery for the amount of \$18, 380.00 for a three-year contract to provide fertilization treatment services.** The Board discussed the reasons behind requiring the vendors to

provide the acreage measurements, as opposed to providing the measurements to the vendors. The Board also reviewed the mix of fertilizers proposed by the two vendors. **Yes – 6, No – 0 Absent-1 ; Motion carried.**

EXTENSION TO WATER AND SANITARY SEWER SERVICES AGREEMENT

Supervisor Haga presented the proposed extension. **Moved by Sytsma, supported by Rhoades, to approve the extension to the water and sanitary sewer services agreement as a second extension through December 31, 2038. Yes – 6, No – 0, Absent-1; Motion carried.**

PLANNING COMMISSION APPOINTMENT – TOWNSHIP BOARD REPRESENTATIVE

Supervisor Haga recommended Treasurer Rhoades as the Township Board representative to the Planning Commission. **Moved by Sytsma, supported by Smith, to approve the recommendation of the appointment of Treasurer Rhoades as the Township Board representative to the Ada Township Planning Commission.** Treasurer Rhoades noted he would be abstaining from the vote. Trustee Westra inquired into the methodology used to determine the optimal candidate for this position. Supervisor Haga cited Treasurer Rhoades' experience and knowledge of township needs, and indicated that regular reports of key items to the Township Board by the Township Board's Planning Commission liaison is an ongoing element of the role. **Yes – 6, No – 0, Absent-1; Motion carried.**

RESOLUTION R-071309-1, ANNUAL AUGUST IN ADA CHILDREN'S FAIR ROAD CLOSURE

Supervisor Haga presented the resolution. **Moved by Sytsma, supported by Rhoades, to adopt Resolution R-071309-1 to allow the annual August in Ada Children's Fair road closure. Roll Call: Yes –Smith, Rhoades, Sytsma, Burton, Westra, Haga. No – None. Absent – Proos. Resolution is adopted.**

OPPORTUNITY FOR ADDITIONAL PUBLIC COMMENT

Stephen Ibanez, Greentree Farms, commended the Board for increased efforts at public communication. However, the specific signage item he noted was posted by the Kent Country Road Commission to announce their planned meeting on July 14th. He inquired as to how the striping on Honey Creek Drive was paid for, and if Honey Creek Drive would be repaved soon. Supervisor Haga explained HoneyCreek Drive is a primary road and falls under the jurisdiction of the Kent Country Road Commission. They paid for the striping, and they also determine when it will be re-paved. The township has been working with the Road Commission to try to move the repaving of Honey Creek up in the priorities.

Park Director Mark Fitzpatrick thanked the Board for improving the Employee Handbook. He encouraged them to further detail the parameters of flex time and comp time, particularly as it affects employees who must delay redemption of comp time due to seasonal demands. He also asked them to consider carefully as they evaluate the issue of outside employment as it relates to potential conflict of interest, and to evaluate which restrictions are truly essential and why, so as not to add unnecessary or undue restrictions on the ability of employees to seek productive additional employment.

ADJOURNMENT

The meeting was adjourned at 10:01 p.m.

Respectfully submitted,

**Susan Burton
Ada Township Clerk**

RS/kj