

**ADA TOWNSHIP BOARD MEETING
MINUTES
SEPTEMBER 24, 2007**

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 27 community members.

APPROVAL OF AGENDA

Added to the agenda under Reports/Communications: Item 7. Roselle Park Improvements Report - 9/21/07; 8. Trail Progress Report - 9/24/07; 9. Korth - Billboard Application - e-mail dated 9/24/07; 10. Collins Family - Fase Street access to Ada Moorings - 9/24/07; 11. Adrianse Family - Fase Street access to Ada Moorings - 9/22/07.

Moved by Sytsma, supported by Proos, to approve the agenda as presented/amended. Motion carried.

GENERAL TOWNSHIP BUSINESS

CONSENT AGENDA:

Approval of Minutes

September 10, 2007, Regular Board Meeting

Receive and File Various Reports/Communications

1. Financial Report - 8/07; 2. Region 8 Notes - 9/07; 3. Open Space Preservation Advisory Board - 9/13/07; 4. Ada Historical Society - 8/07; 5. MTA Legislative Update Fax - 8/31/07 & 9/7/07; 6. Ada Business Association - Business Connections - 9/07; 7. Roselle Park Improvements Report - 9/21/07; 8. Trail Progress Report - 9/24/07; 9. Korth - Billboard Application - 9/24/07; 10. Collins Family - Fase Street access to Ada Moorings - 9/24/07; 11. Adrianse Family - Fase Street access to Ada Moorings - 9/22/07. **Moved by Proos, supported by Sytsma, 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 \$3,771.33; #205 \$1,002.13; #208 \$270.77; #211 \$129,697.32 #590 \$28.86; #591 \$454.43; #592 \$14.43. Total Hand Checks \$135,239.27. Warrants: #101 \$18,037.49; #205 \$3,299.97; #208 \$196,846.97; #211 \$1,152.16; #590 \$12,895.22; #591 \$10,142.33; #592 \$9,781.01. Total Warrants \$252,155.15. Total Checks and Warrants \$387,394.42.

Moved by Westra, supported by Proos, to approve the Warrant Report of September 24, 2007, in the amount of \$387,394.42. Clarifications were made regarding Carlson Design and the funding from the Woodrick family, payments for the Roselle Park silo and trails included in the warrant report and the request for payment for contracts 1 and 2. **Roll Call: Yes - Damstra, Proos, Sytsma, Westra, Pratt, Ensing Millhuff, Haga. No - 0. Absent - 0. Motion carried.**

PUBLIC COMMENT

Edith Pettis, 1023 Pettis Avenue, commented on the history of the noxious weed issue and specific plants which were once considered noxious 30 years ago are valued today. She stated the ordinance was unrealistic, unable to be enforced, and it shouldn't be voted upon nor acted upon. She also felt there were two distinct areas of Ada Township, with Fulton Street being the dividing line; stating where most of the population is on the south side of the river, most of the money spent for property rights is on the north side.

Jennifer Bowman, 841 Dogwood Meadows Drive, asked if the emergency only access on Fase Street be opened while the Buttrick/Grand River intersection is closed for construction. Stating otherwise up to 40 minutes during the five day period might be added to the ride on the bus. She stated the Transportation Department for the school was in favor of the idea.

Tim Pratt, Buttrick, stated opening the emergency only access would add between 800 to 1,000 cars per day on Fase Street which would have a catastrophic result on a historic neighborhood. Mr. Pratt reminded the board the issue of the access was addressed during the Charrette and the consultants agreed it should not be open to any through traffic.

BOARD COMMENT

Trustee Damstra stated the berms put up by Rieth Riley on Pettis Avenue were done as specified in the agreement adding the berms on Pettis & Associates property need to be corrected to follow suit. Trustee Damstra also referred to the master planning session with the Planning Commission the previous week, stating it was poorly communicated to the general public. Supervisor Haga stated he believed the public hearing was adjourned to the next Planning Commission meeting in October.

Trustee Proos stated while he agreed the berms looked good enforcement was needed regarding a couple of the Rieth-Riley settlement issues. He suggested a team be formed to make sure the settlement terms are enforced.

Treasurer Pratt expressed thanks to all the staff members who helped during the busy tax collection period. Treasurer Pratt noted nearly \$15 million of taxes were collected, and 3,572 computer entries were made. Adding all of the \$15 million is distributed to Kent County, Forest Hills Schools, Grand Rapids Community College, etc., and none of it stays with Ada Township.

Clerk Ensing Millhuff reported she had received complaints about double-back gravel trucks using "the village" as a short-cut.

Clerk Millhuff added she spoke with the Planning Director, and there had been some violation of settlement terms between Rieth-Riley but it had been corrected. But it appears the gravel truck traffic now is related to the Vosburg Gravel Pit in Cascade Township. Supervisor Haga stated he has also seen and followed the trucks and was further investigating the matter.

Supervisor Haga received an inquiry from the gypsy moth consultant regarding surveying. An infestation of oak trees had been reported in the northern area of the township this year. Supervisor Haga suggested instead of doing a survey, some spraying be done next May.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

RECEIVE AND ACCEPT FY 2006/2007 ADA TOWNSHIP AUDIT REPORT

Dan Velhuizen from Siegfried Crandall reported the second audit prepared for Ada Township went very efficiently with very capable people. He stated the reason for an audit is to obtain reasonable assurance there are no errors or fraud. They found very few errors and they were minor. There were statutory changes in audit standards this year; adding that out of all of their other townships Ada was the only township able to prepare its own financial statements and do all appropriate audit adjustments. Ada received an unqualified (clean) opinion adding the township overall is financially healthy, and every single fund is healthy. New focus is being placed on internal controls, and next year there will be additional testing of controls.

There were questions/comments from board members regarding fund balances, millage rates and public safety. Clerk Millhuff added the township staff enjoys working with the auditors, thanking staff and auditors for their work. Supervisor Haga went on record, "thanking all of our staff for the work they do to make it easy for our auditor and all of us to account for what we're supposed to account for." **Moved by Westra, supported by Sytsma, to receive and accept the Fiscal Year 2006/2007 Ada Township Audit Report. Motion carried.**

ORDINANCE O-092407-1 - PROPERTY MAINTENANCE CODE

Planning Director Ferro explained the Zoning Administration Committee had finished work on a revised proposal for a property maintenance code. The revised ordinance includes much of the same content but excludes many items related to interior maintenance. Violations would be treated as municipal civil infractions as many other township ordinance violations. Attached to the ordinance are state law provisions regarding noxious weeds and existing ordinance provisions regarding civil infractions. **Moved by Sytsma, supported by Westra, to adopt Ordinance O-092407-1, which is the township property maintenance code.**

Trustee Proos stated he believed the ordinance was "ludicrous and the township was not big brother." "Any ordinance of this nature needs to have extensive public input prior to any board decision."

Clerk Ensing Millhuff stated she agreed with Trustee Proos, stating the revision was an improvement from the last document presented but it was still too intrusive. Adding an ordinance of this type would be not prudent based on the number of complaints (less than 10) on almost 6,700 properties.

Trustee Sytsma stated the required fire alarms and basement windows were important in living areas for children. Clerk Ensing Millhuff responded she agreed but those issues are all ready covered under State regulations.

Supervisor Haga explained the committee had struggled with the ordinance and tried to eliminate as much of the interior regulations as possible.

Trustee Westra stated this was an example of the challenge of making decisions in a vacuum and he was working with Representative Hildenbrand to change the Open Meetings Act.

Roll Call: Yes - Sytsma. No - Westra, Ensing Millhuff, Haga, Pratt, Proos, Damstra. Absent - 0. Ordinance not adopted.

RESOLUTION R-092407-1 - RESOLUTION FOR CHARITABLE GAMING LICENSE

Krista Flynn, Treasurer for Forest Hills Public Schools Spanish Immersion PTO, explained formal recognition was needed from the township in order to obtain a raffle license. **Moved by Damstra, supported by Sytsma, to adopt Resolution R-092407-1, which is a resolution for charitable gaming license for the Forest Hills Public Schools Spanish Immersion PTO. Roll Call: Yes - Haga, Ensing Millhuff, Sytsma, Pratt, Damstra, Proos. No - Westra. Absent - 0. Resolution adopted.**

RESOLUTION R-092407-2 DELINQUENT WATER AND SEWER UTILITY CHARGES

Moved by Damstra, supported by Pratt, to adopt Resolution R-092407-2, which is the delinquent water and sewer utility charges. Roll Call: Yes - Westra, Proos, Sytsma, Damstra, Haga, Ensing Millhuff, Pratt. No - 0. Absent - 0. Resolution adopted.

TOWNSHIP BOARDS AND COMMISSION APPOINTMENTS

Moved by Westra, to accept and adopt the slate of boards and commission appointments as proposed.

Supervisor Haga's memo recommended the following reappointments: Planning Commission - David Guttierrez and Robert Lowry; Zoning Board of Appeals - Diane Pratt and Jack Hartley; Open Space Preservation Advisory Board - Betty Jo Crosby and Jamie Ladd.

Supervisor Haga clarified the term limits of three three-year terms for Planning Commission and Zoning Board of Appeals and two four-year terms for the Open Space Preservation Advisory Board.

Trustee Sytsma suggested term limits for the Open Space Preservation Advisory Board be removed. Trustee Proos stated that was a topic for another night, and Clerk Ensing Millhuff added the Open Space Board would have to be a formal change in the ordinance/resolution covering the board.

Motion carried.

BILLBOARD PERMIT MORATORIUM AND WING, LLC PERMIT APPLICATION

Planning Director Ferro explained the history of Kevin Green's request for a billboard permit. The request is for an exception from the moratorium. The Planning Commission has completed evaluation of the current billboard regulations, recently held a public hearing and recommended adoption of the amendments at their meeting last week. The proposed ordinance amendment won't come before the board until the first meeting in October. Therefore, any amendments would not be in effect when the current moratorium expires on October 1.

PUBLIC COMMENT:

James Todd, 8025 East Fulton, read a statement containing the signatures of 41 people to the board (copy attached). The statement addressed safety, environmental, aesthetic and economic issues and asked the board to consider the needs of individual residential homeowners, nearby businesses, children and families.

Monica Seka, property owner, explained that she worked for the company which acquired the property in 1999. At that time the property was subject to a zoning ordinance which would specifically allow this type of sign. The purchase agreement was entered into for the specific purpose of the prospective buyer placing a sign on the property. Their perspective is the township's behavior is inappropriate. She requested the board lift the moratorium and allow their deal to proceed.

Carl Peters, 8127 Fulton Street, stated he didn't believe billboards should be allowed at intersections due to safety.

Ann Todd, 8025 East Fulton, a 50-year resident of the community, stated the billboard issue was not addressed in the charrette process. If approved, this billboard would be the third within a mile. She didn't think there should be any billboards in Ada Township.

Tim Pratt, Buttrick, suggested the Township consider purchasing the land.

Moved by Proos, supported by Sytsma, to proceed to closed session to discuss the legal opinion from legal counsel regarding the billboard moratorium. Roll Call: Yes - Sytsma, Westra, Ensing Millhuff, Haga, Pratt, Proos, Damstra. No - 0. Absent - 0. Motion carried.

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

Moved by Westra, supported to extend the moratorium on R-092407-3, on new billboard construction to October 26, 2007, to continue the process of amending township ordinances. Roll Call: Yes - Sytsma, Proos, Westra, Pratt, Ensing Millhuff, Haga. No - 0. Absent - 0. Trustee Damstra abstained with no objection by board members. Resolution adopted.

Moved by Westra, supported to adopt Resolution R-092407-4, which is a resolution to approve an exception to the moratorium on issuance of permits for billboards for the application submitted by Wings, LLC, as documented regarding modification of the application.

Clerk Ensing Millhuff stated she believe the board as well as a vast majority of citizens in the community were opposed to seeing a billboard in the proposed area.

Trustee Westra felt a billboard in that position was untenable to the community. He thought the reason for the exception was to preserve the rights of those involved in the process, and he felt it would be remiss of the board to not pursue every possible option for a negotiated position aimed at the highest and best purpose for the property.

Trustee Proos stated nobody wants the billboard and the board would try to do what is right for everybody.

Trustee Sytsma thought it was reprehensible someone who claims to want to protect citizens of the state would slap some of the citizens with this idea which is not in the best interest of the community.

Supervisor Haga stated this was one of the biggest challenges because he didn't feel the project fits into the community yet the Township is caught in a difficult situation. He appealed to all parties to work with the board to see what could be done.

Roll Call: Yes - Proos, Pratt, Haga, Ensing Millhuff, Westra, Sytsma. No - 0. Absent - 0. Trustee Damstra abstained with no objection from board members. Resolution adopted.

OPPORTUNITY FOR ADDITIONAL PUBLIC COMMENT

Lloyd Paul, 1268 Pettis, stated a "full-blown commercial operation" was going on at Pettis & Associates. Adding, there are dust piles, dirt piles, debris piles and yard waste. He suggested the Township take a close look at the property stating he was also concerned about safety with the traffic speeds along Pettis Ave.

ADJOURNMENT

The meeting was adjourned at 10:08 p.m.

Respectfully submitted,

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