

**ADA TOWNSHIP BOARD MEETING
MINUTES
NOVEMBER 12, 2012**

Meeting was called to order by Supervisor Haga at 7:30 p.m. Members present: Supervisor Haga, Clerk Burton, Treasurer Rhoades, Trustee LeBlanc, Trustee Proos, and Trustee Smith. Also present: Planning Director Jim Ferro, Recording Secretary Dorothy Renegar, and 8 community members. Absent: Trustee Westra.

APPROVAL OF AGENDA

Motion by Smith, supported by Proos, to approve the Agenda. Yes – 6; No – 0; Absent – 1. Motion carried.

GENERAL TOWNSHIP BUSINESS

CONSENT AGENDA

Approval of Minutes

October 22, 2012 Regular Board Meeting

Receive and File Various Reports/Communications

1. Planning Commission Minutes-9/20/12; 2. Treasurer's Investment Report-9/30/12; 3. Utility Advisory Board Minutes-9/20/12; 4. Comcast (2)-10/22/12; 5. "eCities 2012 Star Community"-10/8/12; 6. MTA Legislative Update Fax-10/19/12.

Motion by Proos, supported by Rhoades, to approve the Minutes, Reports and Communications under the Consent Agenda. Yes – 6; No – 0; Absent – 1. Motion carried.

Supervisor Haga stated Ada Township participated in the eCities 2012 iLabs conducted by the University of Michigan-Dearborn College of Business Innovation Research. He announced that Ada Township received a Five Star Community rating, and also received a plaque, which is hanging in the Township offices.

APPROVAL OF WARRANTS

ADA TOWNSHIP GENERAL WARRANTS

Treasurer Rhoades reported receipts in the following amounts: Hand Checks: #101 \$17,758.88; #205 \$1,046.84; #208 \$1,709.14; #211 \$25,100.80; #590 \$3,342.87; #591 \$1,357.59; #592 \$451.46; Total all Hand Checks: \$50,767.58; Warrants: #101 \$68,165.29; #205 \$28,903.87; #208 \$18,626.21; #211 \$169.12; #213 \$139.20; #590 \$96,820.82; #591 \$141,495.96; #592 \$1,091.28; Total Warrants: \$355,411.75. Total All Checks and Warrants: \$406,179.33.

Moved by Proos, supported by Smith, to approve the Warrant Report for November 12, 2012, in the total amount of \$406,179.33. Roll Call: Yes – Smith, LeBlanc, Proos, Rhoades, Burton and Haga; No – 0; Absent – Westra. Motion carried.

PUBLIC COMMENT

None.

BOARD COMMENT

Clerk Burton gave a report on the voter turnout for the November election. She stated of the 10,024 registered voters in Ada Township the largest age group is 41-50 with only 5.72% voting, and the second largest age group is 60 and above with 40.92% voting, and the total turnout of registered voters was 79%. Also, she reminded Board members that the Swear in Day will be November 20, 2012 at the Township Hall at noon, and family, friends, and the public are invited.

Trustee Proos commented that the email received from Don Mitchell was very demeaning, and suggested a response by the Supervisor, as this was not very professional. He also asked about the demolition of the house on Knapp and Grand River Drive.

It was stated in response that a contract had been issued and demolition should be finished by the contractor by the end of November.

Trustee Proos continued that a tremendous amount of work has been done on the Koning property, but it is obvious it will not be completed by the 15th.

Supervisor Haga gave a thank you on behalf of the Township and the Board for Trustee Westra's eight years of service to the community.

UNFINISHED BUSINESS

ACCEPTANCE OF TRAIL EASEMENT

Planning Director Jim Ferro stated Gene and Tubie Gilmore have agreed to a modification of the proposed trail easement across the riverfront portion of their property on Grand River Drive to allow placement of one or more benches along the route of the trail. He also confirmed with the Land Conservancy of West Michigan that the placement of benches is permitted in the current provisions of the recorded conservation easement on the same property. Ferro stated that language permitting placement of benches has been added to the last sentence in Paragraph 3 of the easement document. He stated the Township Board is requested to take action on accepting the proposed easement as revised.

Moved by LeBlanc, supported by Proos, to accept the Trail Easement from Gene and Tubie Gilmore as revised in Paragraph 3 of the Agreement. Yes – 6; No – 0; Absent – 1. Motion carried.

NEW BUSINESS

CONSUMERS ENERGY STANDARD LIGHTING CONTRACT UPDATE

The Resolution R-111212-4 is an updated agreement with Consumers Energy. Because it took so long for them to get this project completed, they are going to issue an approximate \$20,000 credit to the township, as the payers of the street lights.

Motion by Smith, supported by Burton, to adopt Resolution R-111212-4, Updated Street Lighting Contract with Consumers Energy. Roll Call: Yes – Smith, LeBlanc, Proos, Rhoades, Burton and Haga; No – 0; Absent – Westra. Resolution adopted.

RESOLUTION R-111212-1, TERM LIMIT POLICY FOR PLANNING COMMISSION AND ZONING BOARD OF APPEALS

Planning Director Jim Ferro reviewed the pros and cons, and the changes that have been made over the years, of the term limits for the Planning Commission and Zoning Board of Appeals. He stated the Planning Commission recommends eliminating the term limit policy for the Planning Commission and Zoning Board of Appeals.

Motion by LeBlanc, supported by Burton, to adopt Resolution R-111212-1, Term Limit Policy for Planning Commission and Zoning Board of Appeals. Roll Call: Yes – Smith, LeBlanc, Proos, Rhoades, Burton and Haga; No – 0; Absent – Westra. Resolution adopted.

RESOLUTION R-111212-2, TOWNSHIP ANNUAL MEETING DATE AND BUDGET PREPARATION SCHEDULE FOR FISCAL YEAR 2013/2014

Motion by Rhoades, supported by LeBlanc, to adopt Resolution R-111212-2, Budget Preparation Schedule for Fiscal Year 2013/2014. Roll Call: Yes – Smith, LeBlanc, Proos, Rhoades, Burton and Haga; No – 0; Absent – Westra. Resolution adopted as amended.

Clerk Burton stated there are not many people that attend the Annual Meeting. She has been researching how the annual meeting was originally established to determine if there is a way to discontinue it.

Motion by Proos, supported by LeBlanc, to amend Resolution R-111212-2, Township Annual Meeting Date and Budget Preparation Schedule for Fiscal Year 2013/2014, with deletion of the Annual Meeting scheduled for Saturday, March 16, 2013, 1:00 p.m., pending further research. Yes – 6; No – 0; Absent – 1. Motion for amendment carried.

AUTHORIZATION TO PROCEED TO BID 1,000,000 GALLON ELEVATED TANK REPAINTING PROJECT

This project is on this year's Capital Improvement Plan, and although it will not be completed this year there is still a lot of work needed to get the specs and bids out. The cost estimate for exterior repainting and miscellaneous repairs is \$237,000.

Motion by Proos, supported by Rhoades, to proceed with the bidding for the exterior painting of the 1,000,000 Gallon Elevated Tank located on Ada Drive. Yes – 6; No – 0; Absent – 1. Motion carried.

RESOLUTION R-111212-3, SANTA PARADE ROAD CLOSURE

The resolution is for the annual Santa Claus Parade to be held December 1, 2012 from 11:00 a.m. to 12:00 p.m. The certificate of Insurance Liability for \$1,000,000 was included with the request.

Motion by Proos, supported by Rhoades, to approve Resolution R-111212-3, Santa Parade Road Closure schedule for December 1, 2012. Roll Call: Yes – Smith, LeBlanc, Proos, Rhoades, Burton and Haga; No – 0; Absent – Westra. Resolution adopted.

MOTION TO PROCEED INTO CLOSED SESSION TO DISCUSS PENDING LITIGATION-PETTIS MINING MATTER

Supervisor Haga asked for a motion to proceed into Closed Session to Discuss Pending Litigation-Pettis Mining Matter.

Moved by Smith, supported by LeBlanc, to Proceed Into Closed Session to Discuss Pending Litigation-Pettis Mining Matter. Roll Call: Yes - Smith, LeBlanc, Proos, Rhoades, Burton and Haga; No - 0; Absent - Westra. Motion carried.

Supervisor Haga called the Board back into regular session at 8:47 p.m.

Moved by Proos, supported by LeBlanc, to return to the Regular Session. Yes - 6; No - 0; Absent - 1. Motion carried.

John Sperla, Litigation Counsel for Mika Meyers Beckett & Jones PLC, stated a motion for reconsideration had been filed with respect to the decision that Judge Leiber issued, which stated Ms. Pettis could not proceed in Circuit Court. Since there had not been a motion to renew the original judgment within the 10-year Statute of Limitations, both sides are precluded from doing anything to enforce the consent judgment. He stated the Board felt the statute Judge Leiber was relying on was wrong so he filed a motion for reconsideration, which the judge denied. Sperla recommended a preemptory reversal appeal be filed by December 26, 2012.

Moved by Proos, supported by Rhoades, to approve the recommendation from Legal Counsel to pursue the appeal process. Yes - 6; No - 0; Absent - 1. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 8:56 p.m.

Respectfully submitted,

Susan Burton
Ada Township Clerk

RS/dr