

**ADA TOWNSHIP BOARD MEETING  
MINUTES  
NOVEMBER 25, 2013**

Meeting was called to order by Supervisor Haga at 7:00 p.m. Members present: Trustee LeBlanc, Trustee Proos, Treasurer Rhoades, Trustee Jacobs, and Trustee Smith. Also present: Planning Director Jim Ferro, Sheriff Deputy Ryan Roe, Recording Secretary Dorothy Renegar, and 18 community members. Absent: Clerk Burton.

**APPROVAL OF AGENDA**

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

**GENERAL TOWNSHIP BUSINESS**

**CONSENT AGENDA**

**Approval of Minutes**

November 25, 2013 Regular Board Meeting

**Receive and File Various Reports/Communications**

1. Treasurer's Investment Report-10/13; 2. Comcast Updates-11/1/13, 11/5/13; 3. Hope Network Transportation-10/13; 4. Historical Society Minutes-10/10/13; 5. Open Space Preservation Advisory Board Minutes-10/10/13; 6. East Precinct 3<sup>rd</sup> Quarter Activity Report-9/30/13.

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

**APPROVAL OF WARRANTS**

**ADA TOWNSHIP GENERAL WARRANTS**

Treasurer Rhoades reported receipts in the following amounts: Hand Checks: #101 \$7,061.83; #205 \$172.71; #208 \$17,801.95; #248 68.13; Total all Hand Checks: \$251104.62; Warrants: #101 \$47,350.82; #205 \$28,842.76; #208 \$5,136.34; #248 \$12,991.58; #590 \$4,018.91; #591 \$15,067.64; #592 \$4,747.43; Total Warrants: \$118,155.48. Total All Checks and Warrants: \$143,260.10.

**Motion by Proos, supported by Smith, to approve the Warrant Report for November 25, 2013 as presented, in the total amount of \$143,260.10. Roll Call: Yes – Jacobs, Smith, Proos, Rhoades, LeBlanc, and Haga; No – 0; Absent – Burton. Motion carried.**

**PUBLIC COMMENT**

None.

**BOARD COMMENT**

Supervisor Haga stated the trail to M-21 is completed, and he passed out a copy of an article that is on the web site showing finishing touches being put on the bridge by Supervisor Haga, Treasurer Rhoades and Clerk Burton. He passed out an agenda for a Work Session to be held December 16<sup>th</sup>, 6:00 p.m. for a presentation of the Envision Ada 2013 Plan. He stated in November the group from Olivia's Gift began utilizing the GOBus! service, and for the next five months that will impact the budget by \$960, with six residents going on outings twice a month from their facility. Next year it will be about \$2,300 for the transportation services, and presently about \$21,000 is spent per year for transportation services for disabled persons; we receive about \$6,000 from the CDGB Grant program. This will impact the budget for next year, and it may require an agreement or amendment to set a limited number of trips and types of activities in the future.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

**CELL TOWER BUILDING PERMIT MORATORIUM**

Planning Director Jim Ferro gave a brief history of activities that have taken place in regards to the cell tower permit requested by AT&T since the beginning of the year.

Jeff Ammon, Township Attorney, stated the moratorium is limited in time, with the ban on issuance of building permits only until March 25, 2014. The resolution contains information about the background and reasons why this additional

time issue is the best way to serve the Township and ordinance goals when it comes to the proper citing of wireless communication facilities. He stated the township has authority to adopt this; AT&T's lawyers submitted a letter asserting it is in violation of Federal law, which is not the case. The situations where this kind of moratorium would be prohibited by law is: if your actions would be discriminatory, you prefer one provider over another; or you prohibit cell towers, which you can't do. He stated he thinks it merely becomes a policy decision at this point.

Matt Zimmerman, Attorney with Varnum, representing Dennis Madden, property owner at 6468 Bridalwood Court, stated they believe the location at the Forest Hills school is the best location in order to fill the coverage gap. Let's try one more time to get the parties together to indicate whether or not that co-location can happen. They have heard that the school has indicated it's willingness to consider a lease from AT&T, but AT&T has not responded yet. He thinks the moratorium will put some pressure on AT&T to seriously look at that and try to get something done. Secondly, where the cell tower goes to fill the gap in coverage is going to dictate whether additional cell towers are going to be required and where they might go. If the co-location happens at the school water tower location, then it's possible no additional cell towers would be needed, which would eliminate going through this entire process again. Third, this moratorium does not discriminate against AT&T, it applies to any provider. The fourth reason for favoring the moratorium involves possible new Federal regulations; the FCC published a notice they will be regulating what municipalities can and cannot do in regards to locating cell towers. He stated he would support what the Township attorney has said regarding the legality of this moratorium, and thinks there are good policy and legal reasons for this moratorium.

Ruth Gaudard, AT&T External Affairs, stated over eight years they have been pushed back and forth between the school and the Township on various sites; have attempted to meet the different requests and accommodate changes, and tried to please all parties. To imply that they have not negotiated in good faith is an insult. She stated the school board has never come to them and said they're interested and would look at and review a lease. She was extremely surprised and disappointed that the Board would consider a resolution to delay this one more time. She stated she would ask that the Board take the history and current facts into consideration, and not approve a resolution like this.

Steve Wells, Outside Counsel for AT&T Mobility, stated they have a lease with Mr. Anderson for the Egypt Valley location, and are now being told to go back and try the school again. They are afraid of going with the water tower because of the past actions of the school. He stated the intent of this moratorium would be another 120 day waiting period, which they have already gone through, and this moratorium is unrelated to any unforeseen issue that needs to be addressed by the Township. Also, the moratorium is illegal under the Federal Communications Act of 1996, and it is specifically directed at AT&T Mobility, which is discriminatory. He stated they have applied for the building permit and out of 15 conditions have only two left to get: the Kent County access permit for the driveway and some elevation drawings in regard to their shelter. He stated he would request the Township Board turn down this moratorium.

**Motion by Rhoades, supported by Smith, to adopt Resolution R-112513-3, Cell Tower Permit Moratorium, as amended. Roll Call: Yes – Jacobs, Smith, Proos, Rhoades, LeBlanc, and Haga; No – 0; Absent – Burton. Resolution adopted as amended.**

**Motion by Proos, supported by Jacobs, to amend the resolution motion to change the expiration date to January 31, 2014, or until it is in writing from the school board that they reject any further proposal. Yes – 6; No – 0; Absent – 1. Motion carried.**

**Motion by Proos, supported by Rhoades, to make a second amendment to the resolution motion to add "exemption language for modification of replacement or addition of wireless communication antennas, cabling, and other appurtenances on existing towers that do not involve increasing the height of the tower or a support structure." Yes – 6; No – 0; Absent – 1. Motion carried.**

#### **ADA WATER TANK PAINTING-CHANGE ORDER 2**

Supervisor Haga stated this Change Order No. 2 is to reschedule the date for completion to May 30, 2014, with no cost adjustment.

**Motion by Proos, supported by Rhoades, to approve Ada Water Tank Painting-Change Order 2, for completion on May 30, 2014. Yes – 6; No – 0; Absent – 1. Motion carried.**

#### **RESOLUTION R-112513-1, ANNUAL CHRISTMAS PARADE**

Lieutenant David Murray stated the parade will have the same route as previous years, with hot chocolate, cookies, and pictures with Santa at the fire house.

**Motion by LeBlanc, supported by Smith, to adopt Resolution R-112513-1, Annual Christmas Parade to be held on December 7, 2013 between 11:00 a.m. and 12:00 p.m., as proposed. Roll Call: Yes – Jacobs, Smith, Proos, Rhoades, LeBlanc, and Haga; No – 0; Absent – Burton. Resolution adopted.**

**CROSS BRACING OPTION-BOARDWALK M-21 TRAIL SECTION**

Steven Groenenboom, Moore & Bruggink, stated the bike path is done and is under budget. He stated to add the optional style bracing for additional lateral support, the contractor quoted \$5,405.

**Motion by Proos, supported by LeBlanc, to approve the Cross Bracing Option-Boardwalk M-21 Trail Section in the amount of \$5,405. Yes – 6; No – 0; Absent – 1. Motion carried.**

**RESOLUTION R-112513-2, RESOLUTION AUTHORIZING THE STORM WATER ASSET MANAGEMENT AND WASTE WATER (SAW) GRANT**

Steven Groenenboom, Moore & Bruggink, stated the Wastewater Asset Management Plan will help the Township manage their wastewater facility in a cost effective manner while maintaining a defined level of service. The asset management plans will consist of: 1. the inventory of assets and condition assessment; 2. existing and desired level of service; 3. identification of critical assets; 4. capital improvement plan; and 5. revenue rate structure. He stated the MDEQ will be offering grants to prepare Wastewater Asset Management Plans, with 90% of the cost being a grant from the State of Michigan. Groenenboom stated they believe Ada Township should ask for a grant in the amount of \$109,884 to do the study, and they will submit the application, which is due by December 2, 2013.

**Motion by Smith, supported by Jacobs, to adopt Resolution R-112513-2, Resolution Authorizing the Storm Water Asset Management and Waste Water (SAW) Grant as presented in the Moore & Bruggink memorandum of November 18, 2013, in the amount of \$109,884. Roll Call: Yes – Smith, Proos, Jacobs, LeBlanc, Rhoades, Haga; No – 0; Absent – Burton. Resolution adopted.**

Supervisor Haga stated the projects which may come out of this will assist us in our five-to-six year Capital Improvements Plan, so that’s part of the benefit of doing this project.

**PUBLIC COMMENT**

Frank Hoover, 700 Marbury, stated with the retirement of Fire Chief Jim DuVall he would like to see the Township Board promote Lieutenant David Murray to Fire Chief.

Sheriff Deputy Ryan Roe stated he has just recently been certified as a Hunter Safety Instructor. He stated he has been working with DeVos Children’s Hospital as well as Ada Township Fire Department with doing the car seat program again next year for three events. Roe stated the ABA just gave them a check for the shopping with the sheriff program, and they appreciate having the local businesses participate. He stated he has been working on the Church Safety Network after several churches have had incidents occur. He has teamed with Brad Burns, and potentially they will link the churches in Kent County, however he will concentrate mostly on the East Precinct. Also, he stated he is wrapping up the sex offender verification, and with all that are in the East Precinct, there are fewer than five violations.

Lieutenant David Murray stated he sent the last check to Texas, and all together the Fire Department got \$12,500, and the EMS got \$2,500. Also, the new Ada Fire truck is wonderful.

Jay Spencer, Township Supervisor for Plainfield, introduced himself as being present for this meeting.

**ADJOURNMENT**

The meeting was adjourned at 8:50 p.m.

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Susan Burton, CMC  
Ada Township Clerk

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Date

RS/dr