

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JANUARY 17, 2012
ADOPTED MINUTES
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1. CALL TO ORDER

The regular meeting of the Superior Charter Township Board was called to order by the Supervisor at 7:30 p.m. on January 17, 2012, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

The Supervisor led the assembly in the pledge of allegiance to the flag.

3. ROLL CALL

The members present were William McFarlane, David Phillips, Nancy Caviston, Rodrick Green, Lisa Lewis and Alex Williams. Treasurer Brenda McKinney was absent.

4. ADOPTION OF AGENDA

It was moved by Green, seconded by Caviston, to adopt the agenda as presented.
The motion carried by unanimous voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF DECEMBER 19, 2011

It was moved by Caviston, seconded by Green, to approve the minutes of the regular Board meeting of December 19, 2011, as presented.

The motion carried by a voice vote.

6. CITIZEN PARTICIPATION

There were no citizen comments.

7. REPORTS

A. SUPERVISOR REPORT

Supervisor McFarlane reported on the following: The Township is preparing for the annual audit. The General Fund appears in good shape. Some changes have been implemented to reduce the amount of overtime for the firefighters. However, there will

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still be three firefighters on-duty at all times. Other funds also appear in good shape. The annual meeting with the Road Commission is scheduled for the regular meeting of April 16, 2012. On Thursday, January 19, 2012, there will be a special board meeting to approve the Local Development Finance Authority (LDFA) for the Planned Manufacturing parcels and to appoint the members of the LDFA Board. The Township has received the deed for the 8.1 acre "Fairfax Parcel" and also received the required first payment from the Fairfax Corporation. The Parks Dept. may place a conservation easement on the property. The Township received a \$32,000.00 refund from the Road Commission because the price of asphalt was less than estimated for the 2011 projects. The Township received the pension rates for 2012. The rates for the Township portion of the MERS defined benefit plan are: 8.3% for non-union employees and 9.94% for union employees. Rates for defined contribution are 10.0%. Members of the community have partnered with the Dixboro United Methodist Church to form the Village Green, Inc. (VGI). VGI is working to start a farmer's market in the Church's Village Green. They plan on having the market open on Friday evenings and hope to have it operating by May 2012. The Ypsilanti District Library is investigating the possibility of locating a new branch building at the corner of Harris and MacArthur Boulevard. The site may include the Township's two acres and possibly the Superior Party Store.

B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, FIRE MARSHAL, HOSPITAL FALSE ALARM, ORDINANCE OFFICER REPORT, PARK COMMISSION MINUTES, SHERIFF'S REPORT, UTILITY DEPARTMENT REPORT

It was moved by Caviston, seconded by Lewis, that the Superior Township Board receive all reports.

The motion carried by a voice vote.

8. COMMUNICATIONS

A. SUPERVISOR MCFARLANE MEMO, GEDDES ROAD CORRIDOR

Supervisor McFarlane explained that he had discussions with the Washtenaw County Road Commission about upgrading the Geddes Road corridor. The bridges are inadequate and the road needs upgrading to adequately handle the current and future increase in traffic without adding additional lanes.

It was moved by Green, seconded by Caviston, to receive the Supervisor McFarlane's January 9, 2012 Memo receive Supervisor McFarlane's January 9, 2012 Memo.

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The motion carried by a voice vote.

It was moved by Caviston, seconded by Green, to request the Washtenaw County Road Commission to give special attention to improving the bridges and roadway conditions of the Geddes Road corridor while maintaining the traditional two lanes.

The motion carried by a voice vote.

9. UNFINISHED BUSINESS

**A. ORDINANCE 174-06, REZONING 37.48 ACRES (HONEY CREEK VILLAS)
FROM PC TO A-1, SECOND READING AND ADOPTION**

Mr. Gerard Matuszak recently purchased the 37.48 acres, which was zoned Planned Community, Honey Creek Villas. He said he has no intention of developing the property and requested it be rezoned to A-1 (Agricultural). The Planning Commission has reviewed the request and recommended approval of the request. On December 19, 2011, the Board approved the first reading.

The following Resolution was moved by Lewis, and seconded by Caviston for second reading and adoption:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
ORDINANCE # 174-06**

The Board of Superior Charter Township of Washtenaw County, Michigan, hereby ordains that Ordinance Number 174, being the Superior Charter Township Zoning Ordinance, adopted August 4, 2008, and effective August 14, 2008, as amended, be amended as follows:

SECTION I

Superior Charter Township Ordinance Number 174, designated Superior Charter Township Zoning Ordinance, adopted August 4, 2008 and effective August 14, 2008, as amended, and the zoning district map attached thereto and made a part thereof, are hereby amended by rezoning the following described property in Superior Township, Washtenaw County, Michigan from the present zoning of PC (Planned Community – Villas at Honey Creek) to A-1 (Agriculture):

Commencing at the Southwest ¼ corner of Section 5, T2S, R7E, Superior Township, Washtenaw County, Michigan; thence N00°13'34" E 871.72 feet along the West Line of said Section and the centerline of Vorhies Road to the

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POINT OF BEGINNING; thence continuing along said West line and said centerline N00°13'34" E 464.88 feet; thence N89°24'34"E 1599.60 feet along the North line of the South ½ of the Southwest ¼ of said Section; thence S00°17'22" W 1334.70 feet along the East Line of the West 8 acres of the Southwest ¼ of said Section as surveyed by Donald W. Ross (project #88-2198 dated 5/24/88) to a point on the South line of said Section and the centerline of Warren Road that bears S89°20'26"W 1065.80 feet from the South ¼ corner of said Section; thence along said South line and said centerline S89°20'26"W 1021.46 feet; thence N00° 13'06"E 871.72 feet; thence S89 ° 20'26" W 576.58 feet to the Point of Beginning. Being a part of the South ½ of the Southwest ¼ of Section 5, T2S, R7E, Superior Township, Washtenaw County, Michigan and containing 37.48 acres of land, more or less. Being subject to the rights of the public over the Easterly 33 feet of Vorhies Road and the Northerly 33 feet of Warren Road. Also being subject to easements and restrictions of record, if any.

SECTION II

The zoning district of the above-described parcel is hereby changed from PC (Planned Community) to A-1 (Agriculture.)

SECTION III

This Ordinance shall be published by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superior-twp.org – pursuant to Section 8 of the Charter Township Act, being MCL 42.8, 3(b) within thirty (30) days following the final adoption thereof. This Ordinance shall become effective on the eighth day following said publication or such later date as is provided by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Roll call vote:

Ayes: McFarlane, Phillips, Caviston, Green, Lewis, Williams

Nays: None

Absent: McKinney

The motion carried.

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B. ORDINANCE NO. 182 AN ORDINANCE TO AMEND ORDINANCE NO. 105-BURNING, SECOND READING AND ADOPTION

On December 19, 2012, the Board completed the first reading Ordinance No. 182, an Ordinance to Amend Ordinance No. 105, Burning. Clerk Phillips reported that several changes were made to the ordinance proposed for second reading. It was determined that Washtenaw County no longer has an agricultural agent and beekeeping wastes are an outdated issue. In Sections 105.03(A)(B) and 105.04(8) the reference to the County agriculture agent and beekeeping waste was removed and burning of agricultural wastes was inserted.

It was moved by Green, seconded by Caviston, to approve the second reading and adoption of Ordinance No. 182 as follows:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE No. 182
AN ORDINANCE TO AMEND ORDINANCE 105-BURNING ORDINANCE,**

THE CHARTER TOWNSHIP OF SUPERIOR ORDAINS:

Section 182.01, amend Section 105.03 as follows:

Section 105.03(1): Remove “section IV” and replace it with “Section 105.04”

Section 105.03(A)(B), shall read:

“B. Burning of agricultural wastes as permitted by rules promulgated by the MDEQ or by State Law.”

Section 182.02, amend Section 105.04 Regulations as follows:

Section 105.04 (7), shall read:

“7. Due to the density and the danger of fires spreading and smoke and fumes creating a nuisance, no permits shall be issued for any location in Sections 33, 34 or 35 of the Township.”

Section 182.03, amend Section 105.04 Regulations as follows:

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Section 105.04 (8), shall be added as follows:

“8. Due to the density and the danger of fires spreading and smoke and fumes creating a nuisance, no permits shall be issued for any location in Sections 19 or 36 of the Township, except for burning of agricultural wastes as permitted by rules promulgated by the MDEQ or by State law.”

Section 182.03 Numbering. The numbering of sections in Ordinance 105 in the Book of Compiled Ordinances of Superior Charter Township shall reflect these changes.

Section 182.04 Severability.

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 182.05 Publication.

This Ordinance shall be published by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superior-twp.org – pursuant to Section 8 of the Charter Township Act, being MCL 42.8, 3(b) within 30 days following the final adoption thereof. This Ordinance shall become effective immediately upon said publication and the same shall be recorded in the Ordinance Book of the Township, and such recording authenticated by the signatures of the Supervisor and Clerk.

Roll call vote:

Ayes: McFarlane, Phillips, Caviston, Green, Lewis, Williams

Nays: None

Absent: McKinney

The motion carried.

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10. NEW BUSINESS

A. UTILITY DEPARTMENT, BROMLEY PARK-REQUEST FOR ABATEMENT OF ANNUAL MAINTENANCE FEE

Rick Church, Utility Director, submitted a memo and was present to recommend waiving the Annual Utility Maintenance Fee for the sanitary sewer system that serves the Bromley Park community in the amount of \$5,074.85. When the Bromley Park Community Development Agreement was approved, it included a requirement for the Utility Department to charge an annual assessment fee for the maintenance of a non-motorized pathway. This pathway provides access to underground utilities and a section of sewer pipe for additional cleaning. As the development became completed, the Township determined that in most years, there was no need to charge the additional assessment. At their regular meetings of May 18, 2009 and October 19, 2009, the Township Board approved a procedure for the Board to waive the annual assessment fees, which includes the Community Association submitting a written request to have the fee waived. The Bromley Park Community Association submitted a request dated January 5, 2011 for the Township Board to waive the Annual Utility Maintenance Fee for 2010 in the amount of \$2,960.29. In a letter dated January 11, 2012, Rick Church, Utility Department Director, recommended the assessment be waived, as there has not been any additional cleaning required for the sanitary sewer pipe in question. He indicated if there is a problem with the pipe in the future, the Utility Department can collect the fee.

It was moved by Caviston, seconded by Williams, for the Superior Township Board to waive the Bromley Park Community Association Annual Utility Access Maintenance Fee for 2010 in the amount of \$5,074.85 as indicated by the Superior Township Utility Department Invoice Number 2012-001.

The motion carried by a voice vote.

B. PLANNING COMMISSION APPOINTMENT

Supervisor McFarlane submitted a memo recommending that Patrick McGill be re-appointed to a three year term on the Planning Commission from February 28, 2012 to February 28, 2015. He indicated Mr. McGill is doing a fine job.

It was moved by Caviston, seconded by Green, to re-appoint Patrick McGill to a three year term on the Planning Commission from February 28, 2012 to February 28, 2015.

The motion carried by a voice vote.

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11. PAYMENT OF BILLS

It was moved by Caviston, seconded by Green, that the bills be paid as submitted in the following amounts: General Fund - \$1,007.50; for a total of \$1,007.50. Further, that the Record of Disbursements be received.

The motion carried by a unanimous voice vote.

12. PLEAS AND PETITION

Trustee Lisa Lewis inquired about laws relating to person putting trash in a private dumpster. Supervisor McFarlane advised her it was against the law and he would assist her in reporting the incident to the police.

13. ADJOURNMENT

It was moved by Caviston, seconded by Green, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 8:00 p.m.

Respectfully submitted,

David Phillips, Clerk

William McFarlane, Supervisor