

**SUPERIOR CHARTER TOWNSHIP BOARD
SPECIAL MEETING
JANUARY 19, 2012
ADOPTED MINUTES
PAGE 1**

1. CALL TO ORDER

The special meeting of the Superior Charter Township Board was called to order by the Supervisor at 7:30 p.m. on January 19, 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, Brenda McKinney, David Phillips, Nancy Caviston, Rodrick Green, Lisa Lewis and Alex Williams.

4. ADOPTION OF AGENDA

It was moved by Caviston, seconded by Green, to adopt the agenda as presented

The motion carried by a voice vote.

5. APPROVAL OF MINUTES

No minutes were approved.

6. CITIZEN PARTICIPATION

A. NON-AGENDA ITEMS

There were none.

7. REPORTS

A. SUPERVISOR

Supervisor McFarlane reported on the following. Riverine Development Company indicated that on January 17, 2012, they submitted a new to application to the MDEA for construction of a private waste water treatment facility to serve residential development on approximately 500 acres they own in the area of Superior and Geddes Road (north to Cherry Hill). Supervisor McFarlane explained that it will be costly for the Township to oppose the application and potential rezoning request. Voters previously approved a 0.25 mills Legal Defense millage, which the

**SUPERIOR CHARTER TOWNSHIP BOARD
SPECIAL MEETING
JANUARY 19, 2012
ADOPTED MINUTES
PAGE 2**

Township collected in 2007 and 2008. Supervisor McFarlane said the Board may want to consider placing a new 0.25 mills Legal Defense millage on the ballot this fall.

B. DEPARTMENT REPORTS:

There were none.

8. COMMUNICATIONS

There were none.

9. UNFINISHED BUSINESS

There was none.

10. NEW BUSINESS

A. RESOLUTION 2012-01, RESOLUTION ESTABLISHING A LOCAL DEVELOPMENT FINANCE AUTHORITY (LDFA)

The Hyundai Tech Center is considering adding a new environmental climate control building to test vehicles. However, electricity to the site is undependable and needs to be improved before they can add the new building. The cost of upgrading the electricity to the site is about \$2.5 million. The Township has worked with Hyundai and the Michigan Economic Development Commission to establish a Local Development Authority (LDFA) in the Planned Manufacturing District in the Township and a Tax Increment Financing (TIF) program on Hyundai's new construction. The new construction would result in about \$7.5 million in new taxable value and 50 new jobs. They are proposing the Township approve a new 50% tax abatement on the new construction, as well as a TIF, which would capture 50% of the remaining taxes (excluding taxes for the Ypsilanti School District) to repay a \$2.5 million loan from the Michigan Economic Development Corporation (MEDC). The loan would provide the funds to pay for improving the electrical service to the entire Hyundai site. On October 17, 2011, the Board approved Resolution No. 2011-24, Intent to Create an LDFA. On November 21, 2011, the Board held a public hearing on creating the LDFA. The Board cannot give final approval to the establishment of the LDFA until sixty days after the November 21, 2011 public hearing. Supervisor McFarlane indicated that the Resolution No. 2012-01 provides the final approval for designating the boundaries of the LDFA, which is the approximately 208 acre Planned Manufacturing District in the area of Geddes and LeForge Roads,

**SUPERIOR CHARTER TOWNSHIP BOARD
SPECIAL MEETING
JANUARY 19, 2012
ADOPTED MINUTES
PAGE 3**

which includes the Hyundai development.

**THE CHARTER TOWNSHIP OF SUPERIOR WASHTENAW COUNTY,
MICHIGAN**

RESOLUTION NO. 2012-01

**RESOLUTION ESTABLISHING A LOCAL
DEVELOPMENT FINANCE AUTHORITY FOR THE
CHARTER TOWNSHIP OF SUPERIOR AND
DESIGNATING THE BOUNDARIES OF THE AUTHORITY
DISTRICT IN ACCORDANCE WITH THE PROVISIONS
OF PUBLIC ACT 281 OF 1986, AS AMENDED**

This Resolution was made and adopted at a meeting of the Board of Trustees of the Charter Township of Superior, Washtenaw County, Michigan, held at the Township Offices on the 19th day of January, 2012.

Trustees Present: McFarlane, Phillips, McKinney, Caviston, Green, Lewis,
Williams

Trustees Absent: None

The following preamble and resolution was offered by Trustee McKinney and was supported by Trustee Caviston.

RECITALS

The Board of Trustees of the Charter Township of Superior (the "Township"), by Resolution adopted on October 17th, 2011 (the "Resolution of Intent"), determined it is in the best interests of the public to prevent conditions of unemployment and to promote economic growth within the boundaries of the Charter Township of Superior and local development financing authority district(s) as may be designated by the Board of Trustees, and declared its intention to create and provide for the operation of a Local Development Finance Authority for the Charter Township of Superior (the "Authority") pursuant to and in accordance with the provisions of the Local Development Financing Act, being Act No. 281 of the Public Acts of 1986, as amended, being Sections 125.2151 to 125.2174 of the Michigan Compiled Laws (the "Act").

On November 21, 2011, pursuant to and in accordance with the Act and the

**SUPERIOR CHARTER TOWNSHIP BOARD
SPECIAL MEETING
JANUARY 19, 2012
ADOPTED MINUTES
PAGE 4**

Resolution of Intent, the Board of Trustees held a public hearing, notice of which was given as required by Section 4(2) of the Act, on the adoption of a resolution creating the Authority and designating the boundaries of the Authority district within which the Authority will exercise its powers (the "Authority District" or "Authority Districts", as the case may be).

All citizens, taxpayers and property owners of the Charter Township of Superior and officials of the affected taxing jurisdictions had the right and were given the opportunity to be heard at the public hearing on the establishment of the Authority and the designation of the boundaries of the Authority District.

The Board of Trustees desires to proceed with the establishment of the Authority and the designation of the boundaries of the Authority District within which the Authority shall exercise its powers, all pursuant to and in accordance with the Act.

IT IS RESOLVED:

1. Authority Created. Pursuant to the authority vested in the Board of Trustees by the Act, the Authority is hereby established and shall be known as the "Local Development Finance Authority of the Charter Township of Superior".

2. Supervision of the Authority. The Authority shall be under the supervision and control of a board (the "Board") comprised of seven (7) Members appointed by the Supervisor of the Charter Township of Superior subject to approval by the Board of Trustees, one (1) member appointed by the Board of Commissioners of the County of Washtenaw, one (1) member appointed by the chief executive officer of Washtenaw Community College, and two (2) members appointed by the chief executive officer of each local governmental unit other than the Township which levied 20% or more of the ad valorem property taxes levied against all property located in a designated Authority District in the year before the year in which the Authority District is created. The members of the Board shall hold office, and the Board shall conduct its procedures in accordance with the Act. Of the members first appointed by the Board of Trustees, two (2) members shall be appointed for a term of one (1) year, two (2) members appointed for a term of two (2) years, two (2) members appointed for a term of three (3) years, and one (1) member for a term of four (4) years. A member shall hold office until the member's successor is appointed. After the first appointment, each member shall serve for a term of four (4) years. An appointment to fill a vacancy shall be made in the same manner as the original appointment. An appointment to fill an unexpired term shall be for the unexpired portion of the departing member's term only. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office. Members of the Board shall serve without compensation but shall be reimbursed for actual and necessary expenses. A member of the Board may be removed before the expiration of the member's term of office for cause by the Board of Trustees, subject to notice and an opportunity to be heard. A member's removal is subject to review by the Washtenaw County Circuit Court. All expense items of the Authority shall be publicized annually and the financial records shall be open to the public pursuant to the Freedom of

**SUPERIOR CHARTER TOWNSHIP BOARD
SPECIAL MEETING
JANUARY 19, 2012
ADOPTED MINUTES
PAGE 5**

Information Act, Act No. 442 of the Public Acts of 1976, as amended, being Sections 15.231 to 15.246 of the Michigan Compiled Laws.

3. Authority District(s). The Authority shall exercise its powers within one or more Authority Districts designated from time to time by the Board of Trustees by majority vote of the Board of Trustees members elected and serving. The Board of Trustees may alter or amend the boundaries of an Authority District to include or exclude lands from that Authority District, or create new Authority Districts in accordance with the same requirements prescribed for adopting the resolution adopting this resolution creating the Authority. Any resolution creating the Authority or establishing, altering, or amending an Authority District shall be filed with the Michigan Secretary of State promptly after adoption and shall be published at least once in a newspaper of general circulation in the Township.

The Authority shall exercise its powers within the following described Authority District designated by the Board of Trustees:

Parcel 1: 10-32-100-007:

OWNER REQUEST SU 32-1B-1A PCL " II-A " COM AT NE COR OF SEC 32, TH S 02-12-36 E 2178.18 FT TO A POB, TH CONT S 02-12-36 E 369.59 FT, TH S 87-33-10 W 1803.00 FT, TH S 02-12-36 E 108.00 FT, TH S 87-33-10 W 504.33 FT, TH N 02-00-37 W 2636.05 FT, TH N 87-03-35 E 1098.21 FT, TH S 02-12-36 E 2178.18 FT, TH N 87-03-35 E 1200.10 FT TO THE POB. PT OF NE 1/4 SEC 32, T2S-R7E. 75.40 AC.

Parcel 2: 10-32-100-003:

ASSR REQ QCD L4621 P837 06/08/04 SU 32-1A PCL "I" COM AT NE COR OF SEC 32, TH S 87-03-35 W 60.00 FT TO A POB, TH S 02-12-36 E 2118.18 FT, TH S 87-03-35 W 1140.10 FT, TH N 02-12-36 W 2118.18 FT, TH N 87-03-35 E 1140.10 FT TO THE POB. PT OF NE 1/4 SEC 32, T2S-R7E. 55.44 AC.

Parcel 3:10-33-200-002:

REWRITE PER QCD L4621 P833 03/23/07 SU 33-4 W 1/2 OF NW 1/4 SEC 33, EXC BEG AT NW COR SEC 33, TH N 87-46-00 E 350.00 FT, TH S 02-12-36 E 60.00 FT, TH S 87-46-00 W 290.00 FT, TH S 02-12-36 E 1690.00 FT, TH S 87-46-00 W 60.00 FT, TH N 02-12-36 W 1750.00 FT TO THE POB. PT OF NW 1/4 SEC 33, T2S-R7E. 77.19 AC

4. Powers and Duties of the Authority. The Authority shall have the powers and duties to the full extent as provided by and in accordance with the Act. Among other matters, in the exercise of its powers, the Board shall, if it determines that it is necessary for the achievement of the purposes of the Act, to prepare and submit to the Board of Trustees a tax increment financing plan in compliance with the provisions of Sections 12 and 13 of the Act and shall include a development plan as provided in Section 15 of the Act.

**SUPERIOR CHARTER TOWNSHIP BOARD
SPECIAL MEETING
JANUARY 19, 2012
ADOPTED MINUTES
PAGE 6**

5. Election of a Chairperson; Adoption of Rules of the Authority; Open Meetings. The Board shall elect a chairperson of the Board. The Board shall adopt rules governing its procedure and the holding of regular meetings, subject to approval of the Board of Trustees. After adoption by the Board and approval by the Board of Trustees, a copy of the rules shall be promptly filed with the Township Clerk of the Charter Township of Superior. . Special meetings may be held when called in the manner provided in the rules of the Board. Meetings of the Board shall be open to the public, in accordance with the Open Meetings Act, Act No. 267 of the Public Acts of 1976, as amended, being Sections 15.261 to 15.275 of the Michigan Compiled Laws.

6. Authority to Appoint Director; Required Bond; Authority of Director. Section 6(1) of the Act authorizes the board of an authority to appoint a director, subject to approval of the Board of Trustees. If the Board elects to employ a director as authorized by Section 6(1) of the Act, the director, before entering upon the duties of office, shall, in addition to any other requirements of law, take and subscribe to the constitutional oath of office and post a bond in the penal sum of \$10,000.00, payable to the Authority for the use and benefit of the Authority, which bond shall be approved by the Board and filed with the Township Clerk. The premium on the bond furnished by the director shall be considered an operating expense of the Authority, payable from funds available to the Authority for expenses of operation. If a director is appointed such director shall be the chief executive officer of the Authority with the duties, authority, and powers as set forth in Section 6(1) of the Act.

7. Form of Approvals by Board of Trustees of the Charter Township of Superior Except as may otherwise be provided by the Act or other applicable law, approvals by the Board of Trustees of all matters pertaining to the Authority or its Board shall be by resolution.

8. Severability. Should any section, clause, or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

9. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are repealed.

10. Publication and Filing with Michigan Secretary of State and Other Legal Requirements. The Township Clerk is directed to publish a copy of this Resolution once in the Ypsilanti Courier, a newspaper of general circulation in the Township and to file a true and complete copy of this Resolution with the Secretary of State of the State of Michigan promptly after adoption and to take all other actions incident upon such adoption pursuant to the Act and other provisions of law.

AYES: McFarlane, Phillips, McKinney, Caviston, Green, Lewis, Williams

NAYS: None

ABSENT: None

**SUPERIOR CHARTER TOWNSHIP BOARD
SPECIAL MEETING
JANUARY 19, 2012
ADOPTED MINUTES
PAGE 7**

ABSTAINED: None

The resolution was adopted.

**B. APPOINTMENT OF LOCAL DEVELOPMENT FINANCE AUTHORITY
(LDFA) BOARD MEMBERS**

Supervisor McFarlane provided a memo and explained the process for appointing members to the LDFA Board. Participating taxing jurisdictions appoint four members and the Township appoints seven members.

Below are the recommendations for appointment to the Local Development Finance Authority (LDFA) Board.

- For one year:
1. William McFarlane, Superior Township Supervisor
 2. Dan Smith, Washtenaw County Board of Commissioners
- Appointment
3. Mirada Jenkins, Superior Township Resident
- For two years:
1. Ellen Champagne, Ypsilanti Public Schools
 2. Dan Smoke, Superior Township Resident
 3. Rhonda McGill, Superior Township Resident
- For three years:
1. Andy Fanta, Ypsilanti Public Schools
 2. Kenneth Mohrlock, Washtenaw Community College
 3. Dave Phillips, Township Clerk
- For four years:
1. Dr. Ben Colmery, Superior Township Resident
 2. Brenda McKinney, Township Treasurer

It was moved by Caviston, seconded by Lewis, for the Board to approve the appointments as recommended by Supervisor McFarlane

AYES: McKinney, Phillips, Caviston, Green, Lewis, Williams, McFarlane

NAYS: None

ABSENT: None

ABSTAINED: None

The motion carried.

**SUPERIOR CHARTER TOWNSHIP BOARD
SPECIAL MEETING
JANUARY 19, 2012
ADOPTED MINUTES
PAGE 8**

11. PAYMENT OF BILLS

There were no bills for payment.

12. PLEAS AND PETITIONS

There were none.

13. ADJOURNMENT

It was moved by Green, supported by Williams, that the meeting adjourn. The motion carried by a voice vote and the meeting adjourned at 7:50 p.m.

Respectfully submitted,

David Phillips, Clerk

William McFarlane, Supervisor