

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
APRIL 15, 2013
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 William McFarlane at 7:30 p.m. on April 15, 2013, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

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

4. ADOPTION OF AGENDA

It was moved by Caviston, seconded by Lewis, to adopt the agenda with addition of Transient and Amusement Enterprises Activity Permit Application for the Dixboro Farmers' Market 2013 as item (i.) and Approval of Road Improvement Projects 2013 as item (j.) under New Business.

The motion carried by unanimous voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF MARCH 18, 2013

It was moved by Caviston, seconded by Williams to approve the minutes of the regular Board meeting of March 18, 2013, as presented.

The motion carried by a voice vote.

6. CITIZEN PARTICIPATION

A. ANNUAL MEETING WITH THE WASHTENAW COUNTY ROAD COMMISSION

Washtenaw County Road Commission staff members made a presentation about proposed road improvement projects in the Township in 2013. Road Commissioners Fred Veigel and Douglas Fuller were also present. The Township is budgeting \$300,000, the Road Commission is providing \$32,061 in matching funds and there is a Community Development Block Grant in the amount of \$21,936 for a total of \$353,997 for road projects in 2013. Members of the audience complained about the condition of Vorhies and Warren Roads. Supervisor McFarlane explained that it is not possible to make all of the improvements contained in the Road Commission's report but the \$353,997 is more than the Township usually spends on roads and the Board will

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attempt to make improvements to roads in the Township in an equitable manner so that all areas of the Township receive a fair share of the spending.

B. CITIZEN COMMENTS

There were none.

7. REPORTS

A. SUPERVISOR REPORT

Supervisor McFarlane reported on the following; Fire Chief Jim Roberts reports that the new Burning Ordinance is working fine and the Fire Department has expanded automatic mutual aid agreements with Ann Arbor Township and Ypsilanti Township, which are also both working well. The Superior Township Green Fair is scheduled for Saturday, June 15, 2013, 11:30 a.m. to 2:00 p.m. at Harris and MacArthur Boulevard. Diana Ravis is retiring from the Utility Department. Her replacement and the related staff reorganization are working very well. At the next Board meeting of May 20, 2013, the Auditor will make a presentation to the Board. Auditor Ken Palka sent a letter which indicates the Township is in good financial shape and there are no major issues which need addressing prior to the May 20, 2013 meeting. The Township is negotiating a new 30 year contract with YCUA. The current contract with YCUA expired October 2012. The Township has been allowed to continue service under the old contract until the new contract is resolved. The Township is having a meeting with the developers of Rock Ridge Estates. Rock Ridge is proposing to construct 1200 new homes on about 500 acres north of Superior Road which is proposed to be served by a private waste water treatment system. Key Bank is closing the ATM machine located at the Utility Department Administrative building. Treasurer McKinney is contacting other banks to determine if they are interested in installing and operationg an ATM machine at that site.

B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, FIRE MARSHALL, HOSPITAL FALSE FIRE ALARM, ORDINACE OFFICER REPORT, PARK COMMISSION MINUTES, SHERIFF'S REPORT, ZONING REPORT

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

The motion carried by a voice vote.

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**C. FINANCIAL REPORTS ALL FUNDS, PERIOD ENDING DECEMBER 31, 2012,
AFTER AUDIT**

Accountant Susan Mumm was present. She indicated that the reserve funds for all funds were adequate. The General Fund had a net operating gain of \$154,649.68 in 2012. Several general ledger accountants were renamed to more accurately reflect they were restricted. Board members had several comments and questions about various accounts.

It was moved by Caviston, seconded by Williams, that the Superior Township Board receive the Financial Reports for All Funds for the period ending December 31, 2012, After Audit.

The motion carried by a voice vote.

8. COMMUNICATIONS

A. KEN PALKA, PHP CPA'S TOWNSHIP'S FY 2012 AUDIT

In a letter dated April 9, 2013, Ken Palka, of PHP CPA's indicated the Township was in very good financial shape and there were no major issues which need addressing prior to the May 21, 2013 Board meeting. He will present the audit to the Board at the May 21, 2013 meeting.

It was moved by Caviston, seconded by Williams, for the Board to accept the communication from Ken Palka, PHP CPA's regarding the Township's 2012 Audit.

The motion carried by a unanimous voice vote.

9. UNFINISHED BUSINESS

There was no unfinished business.

10. NEW BUSINESS

**A. ORDINANCE NO. 186, TRAFFIC AND VEHICLE CODE ORDINANCE, FIRST
READING**

Supervisor McFarlane explained that the Township Attorney recommended the adoption of the following ordinance. It provides for the Township's adoption by reference of the Uniform Traffic Code for Michigan Cities, Township's and Villages, contains language that allows the Township to prosecute "Super Drunk" violations and it also adopts by reference other State Laws related to the operation of motor vehicles.

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It was moved by Lewis, seconded by Phillips, for the Board to approve the following ordinance for first reading:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 186

TRAFFIC AND VEHICLE CODE ORDINANCE

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

Section 186.01 Purpose

An Ordinance enacted pursuant to MCL 257.951 to 257.955 and MCL 42.15, 42.23 and 41.181 to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, Public Act 306 of 1969, as amended (MCL 24.201, et seq.) and made effective October 30, 2002, and to adopt by reference certain state laws; and to repeal all ordinances or parts of ordinances in conflict herewith.

Section 186.02. Title

This Ordinance and the provisions of the Uniform Traffic Code and state laws adopted by reference herein shall be collectively known and may be cited as the "Charter Township of Superior Traffic and Vehicle Code Ordinance".

Section 186.03. Adoption of Uniform Traffic Code By Reference

The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, Public Act 306 of 1969, as amended (MCL 24.201, et seq.) and made effective October 30, 2002, is hereby adopted by reference. All references in said Uniform Traffic Code to a "governmental unit" shall mean the Charter Township of Superior.

Section 186.04. Adoption of Provisions of Michigan Vehicle Code By Reference

The following provisions of the Michigan Vehicle Code, 1949 Public Act 300 of 1949, as amended (MCL 257.1, et seq.) are hereby adopted by reference:

1. Chapter I (Words and Phrases Defined): MCLs 257.1 to 257.82
2. Chapter II (Administration, Registration): MCLs 257.225, 257.228, 257.243, 257.244,

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257.255, and 257.256.

3. Chapter III (Operator's and Chauffeur's License): MCLs 257.301, 257.310e, 257.311, 257.312a, 257.324, 257.325, 257.326, and 257.328.
4. Chapter VI (Obedience to and Effect of Traffic Laws): MCLs 257.601 to 257.601b, 257.602 to 257.606, 257.611 to 257.616, 257.617a to 257.622, 257.624a to 257.624b, 257.625 (except felony provisions), 257.625a, 257.625m, 257.626 to 257.626b, 257.627 to 257.627b, 257.628, 257.629b, 257.631 to 257.632, 257.634 to 257.645, 257.647 to 257.655, 257.656 to 257.662, 257.667 to 257.675d, 257.676 to 257.682b, 257.683 to 257.710e, 257.716 to 257.724.
5. Chapter VIII (License Offenses): MCLs 257.904 to 257.904a, 257.904e, 257.905.

Section 186.05. Adoption of Other State Laws By Reference

The following provisions of state law are hereby adopted by reference:

1. Section 3102 of the Michigan Insurance Code of 1956, 1956 Public Act 218, as amended presently and hereafter, pertaining to required insurance (MCL 500.3102).
2. Subchapter 6 of Part 811 of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended presently and hereafter, pertaining to off-road vehicles (MCL 324.81101-324.81147).
3. Part 821 of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended presently and hereafter, pertaining to snowmobiles (MCL 324.82101-324.82158).
4. Section 703 of the Michigan Liquor Control Act, 1998 Public Act 58, as amended presently and hereafter, pertaining to minors and alcoholic liquor (MCL 436.1703)

Section 186.06. Penalties

1. Except for violations of MCL 257.625(1)(c), the penalties provided by the Uniform Traffic Code and the provisions of the state laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance.
2. Pursuant to MCL 42.21(5) violations of MCL 257.625(1)(c) are a misdemeanor punishable by 1 or more of the following:
 - (a) Community service for not more than 360 hours.

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- (b) Imprisonment for not more than 180 days.
- (c) A fine of \$700.00.

Section 186.07. Severability

If a court of competent jurisdiction declares any provision of this Ordinance or the Uniform Traffic Code or a statutory provision adopted by reference herein to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

Section 186.08. Repeal of Conflicting Ordinances

This ordinance shall take effect upon publication as required by law. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed; including without limitation, the following ordinances of Superior Township:

Ordinance 45 adopted September 19, 1977
Ordinance 66 adopted July 31, 1979
Ordinance 72 adopted August 17, 1981
Ordinance 78 adopted March 21, 1983
Ordinance 120 adopted October 4, 1993
Ordinance 132 adopted August 7, 1994
Ordinance 149 adopted November 1, 1999
Ordinance 158 adopted November 6, 2003

provided that any violation charged before the effective date of this Ordinance under an Ordinance provision repealed by this Ordinance shall continue under the Ordinance provision then in effect.

Section 186.09. Effective Date

This ordinance shall take effect upon publication as required by law.

Ayes: McFarlane, Phillips, Caviston, Lewis, Williams

Nays: None

Absent: McKinney, Green

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The motion carried.

**B. TRANSIENT AND AMUSEMENT ENTERPRISES ACTIVITY PERMIT
APPLICATION FOR THE DIXBORO FAIR, AUGUST 3, 2013**

The Dixboro United Methodist Church has applied to the Township Building Department for permission on conduct their annual Dixboro Fair. The event is scheduled for August 3, 2013 and will include the same layout, activities and events as previous years. Section 6.05 of the Superior Township Zoning Ordinance requires the application be forwarded to the Township Board for review and acceptance.

It was moved by Lewis, seconded by Caviston, that the Superior Township Board accept the application for the Dixboro Fair to be held on August 3, 2013.

The motion carried by unanimous voice vote.

**C. UTILITY DEPARTMENT, CREDIT BALANCE REIMBURSEMENT TO
CUSTOMER**

Rick Church, Superior Township Utility Director, indicated in a letter dated April 11, 2013 that a customer had a credit balance of \$1,288.51 and he was requesting the Utility Department send him a check for the over payment. The customer had made online payments through his bank when nothing was owed on the account. The customer created the same situation in May 2012. Mr. Church requested the Board approve reimbursing the customer. He also requested the Board support notifying the customer that future over payments will be held by the Utility Department to offset his outstanding water/sewer bills and will not be reimbursed to him via a check.

It was moved by Lewis, seconded by Phillips, for the Board to approve the Utility Department to refund A. Haggerty \$1,288.51 for over payment of his water and sewer bill and also to support the Utility Department to notify Mr. Haggerty that future overpayments on his account will not be refunded but will be held to reimburse future water and sewer bills.

The motion carried by unanimous voice vote.

**D. SUPERIOR TOWNSHIP AND WOODSIDE VILLAGE, AMENDED AND
RESTATED DEVELOPMENT AGREEMENT**

Clerk David Phillips explained to the Board that in 2009 Lombardo met with the Township to discuss obtaining a reduction in the \$1.6 million in sureties in place on Woodside Village. After

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extensive negotiations between the Township and Lombardo, it was agreed to grant them a reduction if they completed numerous improvements to the development. 40 homes had been completed on the site. The site was approved for 175 homes. Due to the collapse of the economy, the building of new homes on the site had stalled and it did not appear that construction would resume in the foreseeable future. The Township requested that the final wear course of asphalt be installed on the streets, the mailboxes be relocated to a permanent location, all debris be removed from the site, sidewalk be installed along Scarlet Oak, the permanent groundwater depression be inspected and certified as working correctly, the public park either be fenced-in or moved to inside of the development and closed to the public and other grading and utility improvements. Lombardo completed all of the items requested. This necessitates amending the Development Agreement, the Consent Judgment and the Master Deed and By-Laws. The amendments to the Development agreement include cost-sharing by the developer on costs related to the maintenance and operation of common elements of the site, requirements related to the new reduced sureties, requirements related to beginning construction of Phase 2 of the development and other issues. The developer and the homeowner's association have already approved the documents. The Township's attorney has approved the documents.

It was moved by Phillips, seconded by Lewis, for the Board to approve the following Development Agreement, Superior Charter Township Amended and Restated Development Agreement and to authorize the Supervisor to sign the document.

**See Attached SUPERIOR CHARTER TOWNSHIP AMENDED AND RESTATED
DEVELOPMENT AGREEMENT OR AS RECORDED AT THE WASHTENAW COUNTY
REGISTER OF DEEDS**

Ayes: Phillips, Caviston, Lewis, Williams, McFarlane

Nays: None

Absent: McKinney, Green

The motion carried.

**E. SUPERIOR TOWNSHIP AND MOCERI AND LOMBARDO OF SUPERIOR L.L.C.
FIRST AMENDMENT TO THE CONSENT JUDGMENT**

As indicated in agenda item D. above, negotiated changes to the Woodside Village Development Agreement necessitated changes to the condominium documents. The Consent Judgment was amended to reflect the change in the Area Plan. It was amended to show the relocation of the Park and it being changed from a public park to a private park for use by residents of Woodside Village. The developer and the homeowner's association have already approved the documents. The Township's attorney has approved the documents

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It was moved by Phillips, seconded by Lewis for the Board to approve the following First Amendment to Consent Judgment and to approve the Supervisor to sign the document.

See attached First Amendment to the Consent Judgment or as recorded at the Washtenaw County Register of Deeds.

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

Nays: None

Absent: McKinney, Green

The motion carried.

F. SECOND AMENDMENT TO MASTER DEED FOR WOODSIDE VILLAGE

As indicated in agenda item D. above, negotiated changes to the Woodside Village Development Agreement necessitated changes to the condominium documents. The Master Deed was amended to reflect the change to various sheets of the Condominium Subdivision Plan, which were changed to show the relocation of the Park. The developer and the homeowner's association have already approved the documents. The Township's attorney has approved the documents

It was moved by Phillips, seconded by Lewis for the Board to approve the following Second Amendment to Master Deed of Woodside and to approve the Supervisor to sign the document.

See attached Second Amendment to the Master Deed of Woodside Village or as recorded at the Washtenaw County Register of Deeds.

Ayes: Phillips, Caviston, Lewis, Williams, McFarlane

Nays: None

Absent: McKinney, Green

The motion carried.

G. AWARD BID TO PAINT THE TOWNSHIP HALL INTERIOR WALLS

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Supervisor McFarlane explained that there were areas of the Township Hall that needed painting. He requested that Building Official Rick Mayernik solicit bids from at least painting contractors to paint the main hallways and bathrooms of the General Office area and the Boardroom addition. In a Memo dated April 12, 2013, Building Official Rick Mayernik explained that he obtained bids from three painting contractors and he recommended the Board enter into a contract with B/C Painting for the painting work for an amount not to exceed \$5,430.00. B/C Painting completed the original painting on the 2001 Boardroom addition.

It was moved by Caviston, seconded by Lewis, for the Board to approve the contract with B/C Painting to complete painting at a cost not to exceed \$5,430.00, as outlined in B/C Painting’s proposal dated April 8, 2013.

The motion carried by a unanimous voice vote.

H. BUDGET AMENDMENTS

It was moved by Phillips, seconded by Caviston, for the Board to approve the following Budget Amendments:

BUDGET AMENDMENTS		APRIL 15, 2013	
FIRE FUND			
BUDGET LINE #	DESCRIPTION	DEBIT	CREDIT
206-000-590-000	GRANTS	INCREASE	\$ 43,291.00
206-336-980-000	EQUIP OVER \$5,000	\$ 45,791.00	INCREASE
206-336-980-050	EQUIP UNDER \$5,000		\$ 2,500.00
		\$ 45,791.00	\$ 45,791.00

Ayes: McFarlane, Phillips, Caviston, Lewis, Williams

Nays: None

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Absent: McKinney, Green

The motion carried. .

I. DIXBORO FARMER'S MARKET

Supervisor McFarlane explained that the Dixboro Village Green, Inc. (DVGI) submitted a request for a Certificate of Zoning Compliance to operate the farmers market on the Village Green of the Dixboro United Methodist Church (DUMC). Their first year of operation was last year and it was very successful. The Township heard of many compliments about the market and has not received any complaints. Since the activity is operated by a non-profit for the purpose of raising funds, the activity is subject to obtaining a certificate of zoning compliance through the Zoning Official. The Board is required to review the application per Section 6.05 of the Zoning Ordinance and to make a finding to accept or reject the application.

It was moved by Caviston, seconded by Lewis for the Township Board to accept the application from Dixboro Village Green, Inc. (DVGI) dated April 12, 2013 to operate the farmers market on the Village Green of the Dixboro United Methodist Church (DUMC).

The motion carried by a unanimous voice vote.

J. 2013 TOWNSHIP FUNDED ROAD PROJECTS

Supervisor McFarlane presented a letter to the Board dated April 15, 2013 in which he outlined the revenue and recommended road projects in the Township for 2013. He indicated that he recommended approving the projects be postponed until the Board's May 20, 2013 meeting so that further information could be obtaining on repairing Vorhies Road and repairing the culvert at Vorhies Road. The Road Commission needs to have the agreement signed by May 24, 2013.

It was moved by Caviston, seconded by Williams, for the Board to approve postponing the road improvement projects in Superior Township in 2013 and the corresponding Agreement with the Washtenaw County Road Commission until the next regular Board meeting of May 20, 2013.

The motion was approved by unanimous voice vote.

11. PAYMENT OF BILLS

It was moved by Caviston, seconded by Green, that the bills be paid as submitted in the following amounts: Utilities - \$4,875.00 for a total of \$4,875.00. Further, that the Record of Disbursements be received.

The motion carried by a unanimous voice vote.

12. PLEAS AND PETITION

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Nancy Caviston inquired about when the next edition of the Superior Scenes would be mailed. Supervisor McFarlane and Clerk Phillips explained that during recent discussions, it was felt that there was not much news to report to the residents. It was felt that in order to save money, the Township could mail out a one-page, two-sided, News You Can Use, which would include information on the Green Fair, Parks summer programs and a few other items. There was also discussion about forwarding the newsletter via email.

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13. ADJOURNMENT

It was moved by Caviston, seconded by Williams, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 9:25 p.m.

Respectfully submitted,

David Phillips, Clerk

William McFarlane, Supervisor

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