

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
APRIL 18, 2016
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 Kenneth Schwartz at 7:00 p.m. on April 18, 2016, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

The members present were Ken Schwartz, David Phillips, Brenda McKinney, Nancy Caviston, Lisa Lewis and Alex Williams. Trustee Rodrick Green was absent.

4. ADOPTION OF AGENDA

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

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF MARCH 21, 2016

It was moved by Caviston, seconded by McKinney, to approve the minutes of the regular Board meeting of March 21, 2016, as presented.

The motion carried by a unanimous voice vote.

6. CITIZEN PARTICIPATION

A. CITIZEN COMMENTS

Tracey Pitt, W. Avondale, had questions about the Valbridge report and if residents will have an opportunity to ask questions of the Township attorney. She also invited Board members to visit the Bromley Park area so that they better understand the issues of the rezoning.

Kathleen Hubbs, Kenwyck Drive, had questions related to the Redwood rezoning.

Lisa Cardenas, introduced herself as a candidate for the 54th District House of Representatives.

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Larry Long, N. Harris Road, had questions about the Road Commission's grading schedule.

7. PRESENTATIONS

A. WASHTENAW COUNTY ROAD COMMISSION ANNUAL MEETING

Roy Townsend made a presentation to the Board in which he reviewed the Road Commission's 2016 Annual Report, which addressed revenues, spending on primary and local roads, proposed projects for 2016 and other topics. He addressed the various proposed projects including the reconstruction of the Cherry Hill Bridge and the use of calcium chloride versus brine. The Township's cost for the list of projects proposed for 2016 totaled \$406,194. The Township has historically spent approximately \$250,000 a year. The Township needs to notify the Road Commission by May 20 as to what projects it wants to approve.

B. AAATA PRESENTATION ON ENHANCED SERVICE

Deborah Freer, The Ride, made a presentation to the Board about the expanded bus service the AAATA will provide starting on May 1, 2016. The expanded service began in August of 2015 with Sunday service and expanded hours. On May 1, the service will be expanded to include bus service every 30 minutes instead of the current every hour. Bus routes will also change, which will result in a more direct route to the Ypsilanti Transit Center.

8. REPORTS

A. SUPERVISOR REPORT

Supervisor Schwartz reported on the following: Fairfax Manor, 1900 Prospect Road, had another resident die under questionable circumstances. The preliminary investigation indicated that the death was due to Norovirus. The Township's lawsuit against Fairfax, which involved building code violations, has been resolved in favor of the Township, but the building improvements have not been completed. The court also decided in favor of the State Attorney General regarding patient care and licensing violations. Buildings 1, 2 and 3 are not licensed and the current owner and previous holder of the licenses, Rex Lanyi, is not allowed to obtain a license for at least five years. The court has ordered the buildings vacated. However, it will take some time to place the residents in a new facility. The Geddes Ridge drain project should start within the next two weeks. Due to resistance from the owner of the undeveloped portion of Geddes Ridge, the cost of the easement and attorney fees far exceeded initial estimates. The

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Township's portion of the project will be \$286,000. The homeowners cost will be about \$200.00 per year for ten years. On April 29, 2016, Superior Township and other communities will be meeting with the County and the Humane Society to discuss how the County will fund the Humane Society. They will be looking for local communities to provide some of the funding. Especially those with animal control ordinances. Township officials recently met with Lindsey Wallace of the Washtenaw County Economic Development Coordinating Committee (WCEDCC) to discuss installing a cross walk on MacArthur and Harris to enable people to access Fireman's Park in a safe manner. It appears that the WCEDCC will work with the Township and provide CDBG funds for the project, which is expected to cost about \$20,000. The Fire Dept. has received preliminary approval for a \$900,000 regional grant for a new ladder fire truck. The grant may require that Superior Township respond with the truck to all structure fires in the City of Ypsilanti and in Ypsilanti Township.

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

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

The motion carried by unanimous voice vote.

8. COMMUNICATIONS

It was moved by Lewis, seconded by Williams, for the Board to receive all three of the following letters.

The motion carried by unanimous voice vote.

**A. LETTER FROM PARKS AND RECREATION COMMISSION,
RE: PEDESTRIAN CROSSING FOR FIREMAN'S PARK**

Parks Commissioner Marion Morris provided a letter to the Board on behalf of the Parks Commission recommending that pedestrian crosswalks be constructed across MacArthur Boulevard and Harris Road to provide access to Fireman's Park.

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B. LETTER FROM PARKS ADMINISTRATOR, JUAN BRADFORD, BUILDING HEALTHY COMMUNITIES GRANT

Parks Administrator Juan Bradford was present and provided a letter to the Board about the Building Healthy Communities grant.

C. LETTER FROM PARKS ADMINISTRATOR, JUAN BRADFORD, KELLY MILLER CIRCUS, AUGUST 13, 2016

Parks Administrator Juan Bradford was present and provided a letter to the Board about the Kelly Miller Circus, scheduled for August 13, 2016. Treasurer McKinney had concerns about children in the area not being able to afford to attend the circus. Other Board members had concerns about the location of the event, the liability to the Township, the possibility of animal rights protesters and other issues. Mr. Bradford indicated that he needed to know quickly if the Parks Commission and Board wanted to have the circus as he had to notify them.

9. UNFINISHED BUSINESS

A. ORDINANCE 174-18, SUTTON RIDGE – REDWOOD ACQUISITION LLC, AREA PLAN AMENDMENT

Supervisor Schwartz indicated that Redwood requested that the Board postpone action on the rezoning until the May 16, 2016 Board meeting. He said the Valbridge study should be completed soon and that he expected the Board to be prepared to take action at that meeting.

It was moved by McKinney, seconded by Williams to postpone action on Ordinance 174-18 until the Board's regularly scheduled meeting of April 18, 2016.

10. NEW BUSINESS

A. PARKS AND RECREATION COMMISSIONER APPOINTMENT

In a Memo dated April 4, 2016, Parks Administrator Juan Bradford indicated that the Parks Commission had interviewed two candidates, Paula Jefferson and Diana Rivis, and they recommended that Paula Jefferson be appointed to the open position on the Parks Commission.

It was moved by McKinney, seconded by Williams, for the Board to follow the recommendation by the Township Supervisor and appoint Paula Jefferson to the open position on the Parks Commission.

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The motion carried by unanimous voice vote.

B. UTILITY DEPARTMENT PURCHASE OF MOWER

Utility Director Keith Lockie was present and explained the need for the Utility Department to purchase a new mower at a cost of \$13,577.59.

It was moved by McKinney, seconded by Lewis, for the Board to approve the Utility Department's purchase of a lawn mower at a cost not to exceed \$13,5877.59.

The motion carried by unanimous voice vote.

C. RESOLUTION 2016-06, BROOKSIDE II JUDGMENT FEES PERTAINING TO GFC

Supervisor Schwartz explained that Brookside II, aka, Prospect Pointe East, has been building and selling new homes at a good pace. However, the model that is most successful exceeds the Ground Floor Coverage (GFC) by a very small amount on a number of their lots. The 1,400 square foot homes exceed the GFC by about 40 square feet. The Township and Prospect Pointe prepared a Consent Judgment to resolve the minor exception to the GFC. The Township Attorney has been involved in the Consent Judgment and has no objection.

The following resolution was moved by McKinney, seconded by Williams:

**SUPERIOR CHARTER TOWNSHIP BOARD
RESOLUTION**

**A RESOLUTION AUTHORIZING THE ADMINISTRATIVE STAFF TO EXECUTE
THE PROPOSED JUDGMENT PERTAINING TO BROOKSIDE II LAND, L.L.C. vs.
SUPERIOR TOWNSHIP**

RESOLUTION 2016-06

APRIL 18, 2016

WHEREAS, Brookside Land II L.L.C. owns the Prospect Pointe East Subdivision which is zoned R-4; and

WHEREAS, the R-4 zoning district mandates that the ground floor coverage (GFC) shall be no greater than 25% of the total lot. Plaintiff has requested Superior Township to issue building

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permits for construction on certain lots that would exceed the GFC by more than 25% but less than 26%; and,

WHEREAS, the Superior Township building department denied building permits for structures which exceeds 25% GFC; and,

WHEREAS, Plaintiff filed a law suit challenging the application of the zoning ordinance because the difference between the GFC and the estimated GFC for the lots in question are *de minimis*; and,

WHEREAS, both parties seek to amicably settle their difference in this matter and have arrived at a solution favorable to the parties.

NOW THEREFORE BE IT RESOLVED that the Superior Charter Township Board of Trustees authorizes the administrative staff to execute the consent judgment as presented with exhibits.

The motion carried by unanimous voice vote and the resolution was adopted.

D. RESOLUTION 2016-07, BUTLER SIDESTREET MAINTENANCE AGREEMENT

Mr. Charles Swanson passed away in February of this year and his assistant, Robert Butler has proposed to take over the side street maintenance contract with the Township. Treasurer McKinney indicated that Mr. Butler has always assisted Mr. Swanson and was in favor of awarding the contract to Mr. Butler.

The following resolution was moved by McKinney, seconded by Williams:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

RESOLUTION NUMBER: 2016-07

DATE: APRIL 18, 2016

**A RESOLUTION FOR APPROVAL FOR ENTERING INTO A STREET-SIDE
MAINTENANCE AGREEMENT WITH MR. BUTLER FOR THE OAKBROOK AND
WASHINGTON SQUARE SUBDIVISION COMMON AREAS**

WHEREAS, Superior Charter Township is a Michigan municipal corporation that provides public services to residents of Superior Charter Township, and

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WHEREAS, a Special Assessment District was created to provide funding for street-side maintenance in the Oakbrook and Washington Square subdivisions located in the Township, which includes cutting the grass and other maintenance of the common areas, and

WHEREAS, the Township Board has the responsibility to approve, execute and administer agreements to provide for such street-side maintenance, and

WHEREAS, Mr. Charles Swanson, who passed away in February 2016, had completed the side-street maintenance since 2001, and

WHEREAS, Mr. Robert Lee Butler assisted Mr. Swanson with the side-street maintenance and also has worked as an independent contractor for the Township for many years, and

WHEREAS, the Township has been extremely satisfied with the performance of Mr. Butler;

NOW, THEREFORE BE IT RESOLVED: that the Superior Township Board approves the Agreement for 2016 with Mr. Robert Lee Butler for side-street maintenance in an amount not to exceed \$18,684.00 and authorizes the Township Supervisor to sign the Agreement, and that the cost of this agreement is to be taken from the Side Street Maintenance Fund, G.L. Account No. 220.

**AGREEMENT BETWEEN
CHARTER TOWNSHIP OF SUPERIOR
AND
ROBERT LEE BUTLER**

This agreement made this _____ day of April 2016 by and between the Charter Township of Superior, hereafter referred to as the Township, and Robert Lee Butler, hereafter referred to as Contractor. The Township desires to secure the services of a Contractor for street side maintenance in specified areas within the Township and Contractor desires to provide such services.

Now, therefore, in consideration of the promises and covenants hereinafter contained, the parties hereto mutually agree as follows:

1. The relationship of the Contractor to the Township is and shall continue to be that of an independent contractor. The Township shall provide no benefits of any kind including but not limited to worker's compensation, pension contribution, unemployment benefits or other rights or liabilities arising out of or related to this contract; neither shall an employee/employer relationship shall arise to either party as a result of the performance

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of this contract. The Contractor has signed the Townships Independent Contractor Release Agreement.

2. The Contractor shall maintain General Liability Insurance in the amount of at least \$1,000,000 naming the Charter Township of Superior as an additional insured and provide the clerk with a copy within (10) days of signing the Contract.
3. The Contractor shall maintain the following street sides for the 2016 Summer Season including lawn cutting and trimming weekly, brush and tree trimming as needed, and liter removal along street sides as needed. See listing below:
 - a. Berkshire, east of Prospect south side; from entrance to Lakeview Estates @ 2/10 mile – 12 feet wide.
 - b. North side of Berkshire starting at Wilshire then east to Prospect (not including the yard of the occupied home on Berkshire). East side to Prospect starting at Berkshire then north about 1/10 of a mile to a wooded area. Maintain this as required by item #3 above.
 - c. MacArthur Blvd – north side from fireman’s park to Stamford @ 800 ft. strip – 12 feet wide.
 - d. MacArthur Blvd – both sides from Stamford to Clark @ 6/10 strip – 42 feet wide from street to fences.
 - e. MacArthur Court at one acre.
 - f. Heather Island – MacArthur @ 500 feet.
 - g. Nottingham Island – from Clark Road @ 500 feet.
 - h. Clark Drive Island – from Clark road @ 100 feet.
 - i. MacArthur Drive east along Clark Road to Clark Drive Island – 5/10 mile 36 feet strip to fence.
 - j. MacArthur Blvd. and Oakbrook entrance to island tree trimming and clean up.
4. Clark Road west starting @ MacArthur west to the church on the north side of Clark @ 3/10 mile – 36 feet wide from road to sidewalk.
5. Stamford Road east side starting at or near Dawn. Forty two feet to private fences, then along Stamford Road for 5/10 of a mile east to the north property line of Township property.
6. The Township shall pay the Contractor \$17,684.00 and \$1,000.00 for the added work on Stamford in the 2016 season. The Contractor will bill the township bi-weekly starting approximately April 20, 2016 through November 15, 2016.
7. This contract may be terminated with a ten (10) day notice by either party.

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By: _____ Date: _____
Robert Lee Butler
Contractor

By: _____ Date: _____
Kenneth Schwartz
Township Supervisor

The motion carried by unanimous voice vote. The resolution was adopted.

E. RESOLUTION 2016-08, TOWNSHIP HALL STAFF SUMMER HOURS

Supervisor Schwartz indicated that the proposed summer hour schedule would result in no reduction in service to the public and in fact would result in Township Hall being open longer, 8:00 am to 5:00 pm, which would benefit tax-payers and people seeking building permits.

The following resolution was moved by McKinney, seconded by Lewis:

**SUPERIOR CHARTER TOWNSHIP BOARD
RESOLUTION**

RESOLUTION 2016-08

APRIL 18, 2016

**A RESOLUTION ESTABLISHING A SUMMER SCHEDULE FOR THE SUPERIOR
TOWNSHIP OFFICE STAFF**

WHEREAS, the Superior Township office staff working at the township hall has requested the Board to review and approve a summer work schedule taking effect on May 2, 2016 and concluding on September 2, 2016; and,

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WHEREAS, the proposed summer schedule will not affect the delivery of services to the residents of the township; and is currently practiced by the utility and parks department with no detriment to residential services.

NOW THEREFORE BE IT RESOLVED that the Superior Charter Township Board of Trustees adopts the proposed summer schedule as attached and directs the administrative staff to post the schedule at the township hall and to publish the schedule on the township's website.

The motion carried by unanimous voice vote.

F. FARMERS MARKET AT DIXBORO VILLAGE GREEN, TRANSIENT AND AMUSEMENT ENTERPRISES APPLICATION

Tom Freeman, representing the Dixboro Village Green, d.b.a. Dixboro Farmer's Market, was present and explained the application to the Board. The Market has been very successful and no significant changes are planned.

It was moved by Phillips, seconded by McKinney, that the Township Board has reviewed Dixboro Village Green Inc.'s application for a Transient and Amusement Enterprises with a use of a farmer's market on the Dixboro Village Green and found that such the use as outlined by the application complies with all applicable requirements of the Zoning Ordinance and therefore deems the application accepted by the Township for review.

The motion carried by unanimous voice vote.

G. WASHTENAW COUNTY WATER RESOURCES COMMISSION INVOICE FOR GEDDES RIDGE DRAIN DISTRICT IMPROVEMENTS

As explained in the Supervisor's Report, the Washtenaw County Water Resources Commission (WCWRC) will be starting the Geddes Ridge Drain project soon. The Township's portion of the project is \$286,000 and the WCWRC is requesting a pre- payment of \$40,000.

It was move by McKinney, seconded by Williams, that the Board approve the pre-payment of \$40,000 to the Washtenaw County Water Resources Commission for the at-large assessment for the Geddes Ridge Drain project.

The motion carried by unanimous voice vote.

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H. ANN ARBOR SPARK 2015 DUES

Board members indicated that they would like SPARK to make a presentation to the Board about the services they provide to the Township.

It was moved by Lewis, seconded by McKinney, for the Board to approve the 2015-2016 dues to SPARK in the amount of \$1,000.

The motion was approved by unanimous voice vote.

**I. FINAL PAYMENT TO UNITED RESOURCES FOR VIDEO INSPECTION OF
SANITARY SEWER PIPES FOR THE SAW GRANT**

Utility Director Keith Lockie and Township Engineer Jacob Rushlow were present. They explained the progress of the SAW grant and the findings so far. Most of the data gathering has been completed and the next part of the grant will be to develop and action plan to address deficiencies.

It was moved by Phillips, seconded by Williams, for the Board to approve the final payment to United Resources for the video inspection of the sanitary sewers in the amount of \$29,432.94.

The motion was approved by unanimous voice vote.

12. PAYMENT OF BILLS

There were no Bills for Payment. It was moved by Lewis, seconded by McKinney, that the Bills in the amount of \$7,532.37 for Utilities be paid and that the Record of Disbursements be received.

The motion carried by a unanimous voice vote

13. PLEAS AND PETITION

There were no pleas or petitions.

14. ADJOURNMENT

It was moved by McKinney, seconded by Lewis, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 9:15 pm.

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Respectfully submitted,

David Phillips, Clerk

Kenneth Schwartz, Supervisor