

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
MAY 18, 2015
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 May 18, 2015, 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, Rodrick Green, Lisa Lewis and Alex Williams.

4. ADOPTION OF AGENDA

It was moved by McKinney seconded by Lewis, to adopt the agenda with the addition of payment of Michigan Township Association annual member ship dues as item h. under New Business.

The motion carried by unanimous voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF APRIL 20, 2015

It was moved by Lewis, seconded by McKinney, to approve the minutes of the regular Board meeting of April 20, 2015, as presented.

The motion carried by a unanimous voice vote.

6. CITIZEN PARTICIPATION

A. CITIZEN COMMENTS

There were no citizen comments.

7. PRESENTATIONS

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A. OHM ADVISORS, SUPERIOR TOWNSHIP WATER RELIABILITY AND GENERAL PLAN

Janet Patterson, OHM, made a presentation to the Board. She indicated that the Michigan Department of Environmental Quality required the Water Reliability and General Plan be updated every 10 years. The study addressed the reliability of the water system, emergency response plans (which includes a listing of all pertinent phone numbers), updated GIS, model of all pipes and updating the demand data. The results found that the Township has excellent water pressures to meet normal needs and fire demands. The DEQ has increased the required water pressure requirement from 20 psi to 35 psi but the Township can meet these requirements with minor changes and upgrades to the pumping systems. The most costly improvement recommended is to upgrade 650' of water main along Clark and Prospect to 12" at a cost estimated at \$650,000.

B. COMPETITIVE GRANT ASSISTANCE PROGRAM (CGAP), ANN ARBOR SUPERIOR TOWNSHIP FIRE DEPARTMENT JOINT OPERATING STUDY

Former Fire Chief Garvin Smith presented the Fire Department Cooperation-Final Report, May 12, 2015, to the Board. Mr. Smith indicated that the study found that both departments had many strengths and only a few weaknesses. The study results did not identify a significant increase in service received by Superior Township but resulted in an annual increase of \$255,000 to be shared by both communities. There were also concerns about entering into an inter-local agreement, transferring management of the Fire Department to a Fire Department Board and the plan interfering with Superior Township's long time goals, including building a new Fire Station No. 2. Mr. Smith said the study was very thorough and complete and Ann Arbor Township Trustee Ken Kohrs and others did an excellent job. Mr. Smith indicated that some of the service concerns identified in the study are already being addressed through mutual aid agreements and the box alarm system.

C. KEN PALKA, PHP CPA'S FY2014 AUDIT

Ken Palka, PHP, CPA's, presented the FY2014 Audit to the Board. He reviewed financial statements, balance sheets and fund balances. He indicated that Keith Lockie and Nancy Mason did an excellent job of reorganizing the accounting of the Township and preparing for the audit. He said the audit went smoother and faster than previous years. No material weaknesses were found and all funds have good fund balances. He said the Township is in excellent financial condition.

It was moved by McKinney, seconded by Lewis, for the Board to receive the Township's FY2015 Audit.

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The motion carried by unanimous voice vote.

8. REPORTS

A. SUPERVISOR REPORT

Supervisor Schwartz reported on the following: Crack sealing should start in Geddes Ridge this week and should take 1 ½ days to complete. Washington Square and Oakbrook will be next; Dismantling of the Utility Department pole barn at Harris and MacArthur will begin the weekend of 5-23-15; The right-of-way along MacArthur Boulevard, east of Harris Road has been cleared of brush and will be filled in and planted with grass; DTE will be removing dead trees along Geddes and Prospect Roads; Except for no running water in Cheney School, the May 5, 2015 election went well.

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

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

The motion carried by a unanimous voice vote.

C. MAJOR TOWNSHIP FUNDS QUARTERLY REPORT, 1ST QUARTER 2015

It was moved by Caviston, seconded by Lewis, that the Superior Township Board receive the Major Township Funds Quarterly Report, 1st Quarter 2015..

The motion carried by a unanimous voice vote.

D. UTILITY DEPARTMENT FINANCIALS AS OF MARCH 31, 2015

It was moved by Caviston, seconded by McKinney, that the Superior Township Board receive the Utility Department Financial reports.

The motion carried by a unanimous voice vote.

8. COMMUNICATIONS

There were not communications.

9. UNFINISHED BUSINESS

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There was no unfinished business.

10. NEW BUSINESS

A. RESOLUTION 2015-14, FOIA PROCEDURES AND GUIDELINES

Clerk David Phillips explained that in late December 2014, the legislature approved changes to the FOIA law. Effective July 1, 2015, if a community does not comply with the changes, they cannot charge for FOIA requests. The Michigan Townships Association (MTA) provided all of the necessary documents to comply with the amendments. Clerk Phillips modified the MTA documents for use by Superior Township. The packet of documents presented to the Board will bring Superior Township into compliance with the amended FOIA Act.

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
A RESOLUTION TO APPROVE
SUPERIOR TOWNSHIP'S FREEDOM OF INFORMATION ACT
PROCEDURES AND GUIDELINES
RESOLUTION NUMBER: 2015-14
DATE: MAY 18, 2015**

WHEREAS, Superior Township has written policies of the Board of Trustees to provide guidance and governance to the elected officials and staff to provide the public access to certain public records of the Township in conformance with the Freedom of Information Act, Public Act 442 of 1976 (FOIA); and,

WHEREAS, at the end of December 2014, Michigan enacted 2014 PA 563 (the Amendments), which resulted in numerous changes to FOIA; and,

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WHEREAS, the Michigan Townships Association has provided model FOIA procedures and guidelines, public summary, and request, response and appeal forms that the Township modified to Superior Township's needs; and

NOW THEREFORE, BE IT RESOLVED, that effective July 1, 2015, the Superior Township Board of Trustees hereby repeals the current Board Policy 01.01.003 Freedom of Information Act Policy and Guidelines Regarding Fees and replaces it with the revised Board Policy 01.01.003 Charter Township of Superior FOIA Procedures and Guidelines, copy attached; and,

NOW THEREFORE, BE IT FURTHER RESOLVED, the Superior Township Board of Trustees hereby approves the additional following documents, copies attached, to be used to address FOIA requests:

1. Public Summary of FOIA Procedures and Guidelines
2. Freedom Of Information Act Request Detailed Cost Itemization
3. FOIA Request for Public Records
4. Notice to Extend Response Time for FOIA Request
5. Notice of Denial of FOIA Request
6. FOIA Appeal Form- To Appeal an Excess Fee

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

B. RESOLUTION 2015-15, LED STREET LIGHT CONSERVATION IN WASHINGTON SQUARE

Supervisor Schwartz explained that the Harvest Lane LED street light conversion has been a success and the DTE rebate program can be used to replace the mercury vapor and high pressure sodium street. The LED lights save about 45% in electricity costs. He is proposing that the Township use the DTE rebate program to replace 62 street lights in the Washington Square Subdivision. The payback will be about 1.4 years. The Township will pay for the lights and will be repaid through the SAD. Once the Township is repaid, the annual bill to the homeowner will be reduced.

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

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WASHTENAW COUNTY, MICHIGAN**

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**RESOLUTION TO AUTHORIZE THE ADMINISTRATIVE STAFF OF SUPERIOR
TOWNSHIP TO ENTER INTO A CONTRACT WITH DTE FOR LED STREET LIGHT
REPLACEMENT IN THE WOODLAND ACRES NEIGHBORHOOD**

(WASHINGTON SQUARE SUBDIVISION)

RESOLUTION NUMBER: 2015-15

DATE: MAY 18, 2015

WHEREAS, the Charter Township of Superior provides street lighting to residents within the urban service district of the Township by utilizing special assessment districts; and,

WHEREAS, the Township's street lighting districts are composed of mercury vapor lamp lighting and high pressure sodium lighting; and,

WHEREAS, DTE is offering a special purchasing plan to Superior Township to replace the existing mercury vapor and high pressure sodium lighting fixtures with new light emitting diode (LED) lighting fixtures; and,

WHEREAS, LED lighting costs significantly less to operate, is more durable and casts a cleaner light with less shadow; and,

WHEREAS, DTE has provided a quote for replacement of the 62 lighting fixtures attached to poles in the Woodland Acres Subdivision (commonly known as Washington Square) from mercury vapor and high pressure sodium fixtures to new LED fixtures for the total replacement cost to the Township of \$10,504.00, and a new annual operating cost to the special assessment district in the amount of \$18,959.36, resulting in an annual operating savings to the residents of the special assessment district of \$7,490.00 (see exhibits attached); and,

WHEREAS, the improvements will be financed out of the savings for energy use for the special assessment district (approximately 1.40 years) until the improvements are fully paid and thereafter the annual special assessment charged shall be reduced to reflect actual annual electric usage.

NOW, THEREFORE, BE IT RESOLVED that the Superior Township administrative staff is authorized to execute any documents necessary with DTE to install LED lighting in the Woodland Acres Subdivision which shall be paid from and reimbursed to the general infrastructure fund.

CERTIFICATION

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I, David Phillips, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Superior Charter Township Board held on _____ and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

David Phillips, Superior Township Clerk

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

C. RESOLUTION 2015-16, TERMINATION OF ANN ARBOR TOWNSHIP AND SUPERIOR TOWNSHIP AGREEMENTS FOR JOINT OPERATION OF THE FIRE DEPARTMENT AND JOINT EMPLOYMENT OF THE FIRE CHIEF

Supervisor Schwartz indicated that the cost to implement the unification recommended by the study was estimated at about \$125,000 for Superior Township. However, no contingency costs were included for unforeseen expenses. The plan would also result in the establishment of a new Fire Board, which he felt would not be as effective as Superior Township's management model that has been in place for over 60 years. The study did find that both the Superior Township Fire Department functioned well and was adequately funded. He said that the law requires that if fire departments are consolidated, the wages and benefits of employees cannot be impaired. The contract for the Superior Township firefighters expires on 12-31-15 and this would complicate contract negotiations. State support of consolidations has ended and some fire departments that merged, like the Wayne and Westland fire departments, are now dissolving the merger. He said it appeared the joint chief had difficulty supervising the two departments. He recommended the Board adopt the resolution and he would provide the 30 day notice to Ann Arbor Township.

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

CHARTER TOWNSHIP OF SUPERIOR

WASHTENAW COUNTY, MICHIGAN

RESOLUTION TERMINATING THE ANN ARBOR TOWNSHIP SUPERIOR TOWNSHIP PILOT PROGRAM FOR THE JOINT OPERATION OF THE FIRE DEPARTMENT, JOINT EMPLOYEE AGREEMENT, AND MEMORANDUM OF UNDERSTANDING

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Resolution Number: 2015-16

May 18, 2015

WHEREAS, On February 17, 2014, the Superior Township Board entered into pilot project with Ann Arbor Township to initiate a study to determine the viability, feasibility and desirability of more extensive sharing of fire services between the communities; and,

WHEREAS, On February 17, 2014, the Superior Township and Ann Arbor Township Board of Trustees appointed Brian Thurston Joint Fire Chief of both departments effective March 1, 2014; and

WHEREAS, On February 17, 2014, the Superior Township Board of Trustees authorized the Supervisor to enter into a memorandum of understanding (MOU) regarding fire services with Ann Arbor Township; and,

WHEREAS, The Superior Township and Ann Arbor Township Board of Trustees executed a shared employment agreement which included a termination provision; and,

WHEREAS, Provision K of the co-employee agreement states:

“The Shared Employee Agreement commences on March 1, 2014 and shall continue until either Township terminates the Shared Employee Agreement with not less than 30 days’ notice to the other party”, and;

WHEREAS, Superior Township now elects to exercise its rights under provision K of the Shared Employee Agreement.

WHEREAS, Paragraph 4 of the MOU authorizes either party to terminate the MOU with 30 days written notice to the other party.

NOW THEREFORE BE IT RESOLVED that the Superior Township Board elects to terminate the Shared Employee Agreement, the fire department pilot project and the memorandum of understanding with Ann Arbor Township and to provide written notice of said action immediately to Ann Arbor Township.

BE IT FURTHER RESOLVED that the Supervisor is authorized to execute any document necessary to carry this resolution into effect.

Ayes: Schwartz, Phillips, McKinney, Caviston, Green, Lewis, Williams

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Nays: None

Absent: None

The motion carried. The resolution was adopted.

**D. RESOLUTION 2015-17, ADDRESSING SUPERIOR TOWNSHIP OFFICIALS
ACCEPTING ANY OFFERS TO LEASE TOWNSHIP LAND FOR GAS AND OIL
EXPLORATION**

Supervisor Schwartz indicated that the entire Washtenaw County has been mapped for oil and gas and that some wells have been drilled in Washtenaw County. Citizens for Oil-Free Backyards recently did a presentation for Township residents, which outlined the leasing process and the rights of property owners. The resolution does not address private property, only Township owned land. He said that the law is very clear and it provides the Township with little or no authority to regulate exploration and drilling activities. However, he feels that the resolution sends a message.

The following resolution was moved by Green, seconded by Caviston:

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

**RESOLUTION ADDRESSING SUPERIOR TOWNSHIP OFFICIALS ACCEPTING
ANY OFFERS TO LEASE TOWNSHIP OWNED LANDS FOR
GAS AND OIL DRILLING**

Resolution Number: 2015-17

Date: May18, 2015

WHEREAS, oil and gas exploration is currently underway in Superior Township by private interests; and,

WHEREAS, gas and oil companies may offer leases to Superior Township for the lands that is owned by the Township; and,

WHEREAS, oil and gas drilling produces many negative effects to adjoining property owners including but limited to excessive noise, air pollution, truck traffic, bright glare and vibration; and,

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WHEREAS, the Township has expended considerable funds to acquire parkland, open space and other land throughout the township with taxpayers funding; and,

WHEREAS, the Superior Township Board of Trustees wishes to protect and preserve its park land and open space in a natural state, and utilize all other lands in its inventory free of oil and gas wells and production facilities; and,

WHEREAS, Superior Township is concerned that the Michigan Zoning Enabling Act, PA 110 of 2006, contains language that strips the Township from exercising reasonable control of the land uses ordinarily and historically granted to Michigan townships resulting in the loss of local control over reasonable methods to mitigate the negative effects of oil and gas exploration, and to protect the public health, safety and welfare; and,

WHEREAS, there are many significant natural features in Superior Township including the Huron River, natural lakes, ponds, wetlands and creeks, including irreplaceable groundwater assets that provide drinking water to residents in 33 of 36 sections of the Township,

NOW THEREFORE, the Superior Township Board of Trustees strongly recommends that Superior Township officials and the Superior Township Board of Trustees oppose any efforts to approve any oil and gas leases for any Superior Township owned property.

BE IT FURTHERED RESOLVED THE Superior Township board of Trustees urges the Legislature and the Governor to amend the law to provide reasonable, minimal control over oil and gas exploration to protect the health welfare and safety of the public.

BE IT FURTHER RESOLVED, a copy of this resolution shall be transmitted as the Township's comment on issues surrounding gas and oil exploration in Michigan to each official representing Superior Township in the Michigan State Legislature, the Governor and the Department of Environmental Quality.

David Phillips, Superior Township Clerk

The motion carried by unanimous voice vote.

E. APPOINT PARK COMMISSIONER NAHID SANII-YAHYAI

Due to the passing Uva Wilbanks, there is a vacancy on the Parks Commission. Parks Commission Chairperson Jan Berry was present and the Parks Commission interviewed two candidates. Both were excellent candidates and the Parks Commission recommended Nahid Sanii-Yahyai. Supervisor Schwartz is also recommending Ms. Sanii-Yahyai. Ms. Sanii-Yahyai

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addressed the Board and informed them of some of her education, experience and accomplishments. He is very enthusiastic about serving as a Parks Commissioner.

It was moved by McKinney, seconded by Lewis, to concur with the Supervisor's recommendation to appoint Nahid Sani-Yahyai to the Planning Commission to serve out the term of former commissioner Uva Wilbanks.

The motion carried by unanimous voice vote.

F. RESOLUTION 2015-18, REPEAL ORDINANCE NO 173, PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS AND IMPOSE A 75 DAY MORATORIUM ON ISSUANCE OF LICENSES

Supervisor Schwartz explained that his recent review of Ordinance No. 173 revealed several weaknesses of the ordinance. It does not require the applicant provide proof of insurance, the requirement to contact the Department of Agriculture is no longer valid, it does not require the vehicles have MDOT registration. He recommends that the ordinance be repealed and that a 75 day moratorium be implemented.

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

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

**RESOLUTION TO REPEAL ORDINANCE NO. 173 AND TO
INVOKE A 75 DAY MORATORIUM ON ISSUING SOLICITOR'S LICENSES**

Resolution Number: 2015-18

Date: May 18, 2015

WHEREAS, the Charter Township of Superior is currently operating under Superior Township Ordinance 173, the "Superior Township Peddlers, Solicitors, and Transient Merchants Ordinance", passed by the Superior Township Board of Trustees, effective July 28, 2008; and,

WHEREAS, the administrative staff has reviewed Ordinance 173 and has determined that the ordinance doesn't address vehicle insurance and vehicle safety among other issues; and,

WHEREAS, the current Ordinance 173 doesn't adequately protect the Township in the event of property damage, personal injury or death; and,

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WHEREAS, the Ordinance 173 is outdated and in is need of revision to align with the responsibilities of state and county agencies pertaining to peddlers and transient merchants.

NOW THEREFORE, BE IT RESOLVED that the Superior Township Board of Trustees hereby repeals Ordinance 173 in its entirety.

BE IT FURTHER RESOLVED that Superior Township shall not issue any transient merchants or peddler's license for seventy five (75) days. The Township Supervisor shall be responsible to present a revised ordinance no later than the July 2015 Board meeting for consideration.

BE IT FURTHER RESOLVED nothing in this resolution shall abridge any First Amendments rights of citizens.

I, the undersigned, the duly qualified and acting Township Clerk of the Charter Township of Superior, County of Washtenaw, State of Michigan, certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Trustees of the Charter Township of Superior at a regular meeting held on the _____ day of _____, 2015, the original of which resolution is on file in my office, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

IN WITNESS WHEREOF, I have set my official signature, this _____ day of _____, 2015. _____



DAVID M. PHILLIPS, CLERK,
CHARTER TOWNSHIP OF SUPERIOR

The motion carried by unanimous voice vote.

G. APPROVE RELOCATION OF VOTING PRECINCTS NO. 2 AND 4

Clerk Phillips explained that Cheney Academy is no longer available to be used as a voting precinct. He has had discussions with Christian Love Fellowship Church and Abundant Life Ministries Church to move precinct 4 to Christian Love and precinct 2 to Abundant Life.

Polling place agreements for both locations were presented to the board.

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It was moved by McKinney, seconded by Lewis, to approve moving voting precinct 2 to the Abundant Life Ministries Church and to move precinct 4 to the Christian Love Fellowship Church and to authorize the Clerk to take necessary actions to complete the move.

The motion carried by unanimous voice vote.

H. APPROVE MICHIGAN TOWNSHIPS ASSOCIATION INVOICE

Board members expressed support of the work completed by the Michigan Townships Association.

It was moved by McKinney, seconded by Lewis, for the Board to approve payment of the annual dues for the Michigan Townships Association in the amount of \$5,397.20.

The motion carried by unanimous voice vote.

12. PAYMENT OF BILLS

It was moved by Williams, seconded by Lewis, to approve the Bills for Payment in the amount of \$8,224.00 for the Utility Fund 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 Lewis, seconded by McKinney, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 8:40 p.m.

Respectfully submitted,

David Phillips, Clerk

Kenneth Schwartz, Supervisor