

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 18, 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 June 18, 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 McKinney, seconded by Caviston, to adopt the agenda with two additional items added to item b. of Reports, the Treasurer's Investment Report as of March 2012 and the Unpaid False Alarm Report.

The motion carried by unanimous voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF MAY 21, 2012

It was moved by Caviston, seconded by Lewis, to approve the minutes of the regular Board meeting of May 21, 2012, as presented.

The motion carried by a voice vote.

B. SPECIAL MEETING OF MAY 25, 2012

It was moved by McKinney, seconded by Caviston, to approve the minutes of the special Board meeting of May 25, 2012, as presented.

The motion carried by a voice vote.

6. CITIZEN PARTICIPATION

A. DTE, ADVANCED METER INFRASTRUCTURE

Karen Stroud, Township resident, and several of her associates made a brief presentation to the Board about the "Smart Meters" DTE Energy was installing on electric meters in the Township. They contended

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that the radio signal the meters broadcast created health hazards. They also contended that the technology would invade the privacy of the home and create an opportunity for DTE Energy to sell information collected from the meters. Representatives from DTE Energy were present and provided information that contradicted Ms. Stroud's group. DTE Energy indicated they would offer an opportunity for homeowners to opt-out from having the "Smart Meter" installed. The Board took no action on the issue.

B. CITIZEN COMMENTS

Steven Przybylski addressed the Board about the Burning Ordinance. He feels the ordinance is in conflict with state and federal law.

7. REPORTS

A. SUPERVISOR REPORT

Supervisor McFarlane reported on the following: There may be two emergency sirens installed in the Township this year. One is planned for the Curtis and Plymouth Roads area. The second is planned for the area around the Township Hall. Eastern Michigan University in partnership with the Washtenaw County Sheriff Department and the Community Action Network has applied for a grant to the U.S. Department of Justice. The grant targets a four-block area of MacArthur Boulevard, will last from 10-2012 to 9-2015 and will be in an amount of \$899,403. The grant includes interaction and mentoring of the residents with goals for a long-term reduction in crime, economic and civic rejuvenation, and deeper community building. It was moved by McKinney, supported by Williams, for the Superior Township Board of Trustees to send a letter of support for the grant to the U.S. Department of Justice. The motion passed by a unanimous voice vote. The overtime for the deputies has decreased by about \$3,000.00 since the St. Joe's Hospital deputy was added. There are 15 deputies working out of the Superior Township substation. Superior Township contracts for ten, Ann Arbor Township contracts for four and Salem Township contracts for one. On June 28, 2012 and July 14, 2012 there will be meetings at the Superior Township Hall to discuss the unification of the Willow Run and Ypsilanti School Districts.

B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, HOSPITAL FALSE ALARM, ORDINANCE OFFICER REPORT, PARK COMMISSION MINUTES, SHERIFF'S REPORT, UTILITY DEPARTMENT, TREASURERS INVESTMENT REPORT AS OF MARCH 2012, UNPAID FALSE ALARM REPORT

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

The motion carried by a voice vote.

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8. COMMUNICATIONS

A. MR. AND MRS. MAYNARD'S LETTER

The Board received a communication from Mr. and Mrs. Maynard in which indicated that they had not received a response to their request for the Township to reimburse them \$37,902.94 for the expenses they claim to have incurred from flooding caused by storm water drainage problems or they will go to court. Supervisor McFarlane explained the Township's Attorney recently forwarded them a response.

It was moved by McKinney, seconded by Caviston, to receive the letter from the Maynards.

The motion carried by a unanimous voice vote.

B. TOWNSHIP ATTORNEY'S LETTER, RE: CLAIMS FOR DAMAGES

The Board received a communication from the Township's Attorney, Fred Lucas, in which he addressed the Maynard's request for reimbursement for the expenses they claimed to have incurred as a result of flooding from stormwater. Mr. Lucas indicated that the Township is not liable for any claimed damages and no settlement offer will be forthcoming from the Township.

It was moved by Caviston, seconded by McKinney, to receive the letter from the Township Attorney, Fred Lucas.

The motion carried by a unanimous voice vote.

C. LETTER FROM JOHN AND CATHERINE DIEFENBACHER, FORMAL REQUEST TO AMEND THE SUPERIOR TOWNSHIP BURNING ORDINANCE

Mr. and Mrs. Diefenbacher were present and provided a letter to the Board in which they formally requested the Board amend the language in the Burning Ordinance to better protect the health, safety and welfare of all Township residents. They provided information to substantiate their claims. Supervisor McFarlane responded that as a result of recent changes to the State Law, the burning of grass clippings and leaves are prohibited in the Township.

It was moved by McKinney, seconded by Lewis, to receive the letter from the Diefenbacher's.

The motion carried by a unanimous voice vote.

D. MS. BUTLER'S LETTER, FINANCING OF SANITARY SEWER CONNECTION FEES

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Mr. and Mrs. Butler were present and provided a letter from Mrs. Butler to the Board in which she requested the Township's Utility Department finance the \$5,500.00 for her Trunk and Transmission Fees and \$2,500.00 for her Sewer Tap Fees as well as the \$10,000.00 for her availability fees. Supervisor McFarlane explained that the Township Attorney has not completed his review of the request and recommended action on the issue be postponed until the next meeting of July 16, 2012.

It was moved by McKinney, seconded by Caviston, to postpone action on Ms. Butler's request until the next Board meeting of July 16, 2012.

The motion carried by unanimous voice vote.

9. UNFINISHED BUSINESS

A. ORDINANCE 174-10, ZONING ORDINANCE TEXT AMENDMENTS, SECOND READING

On May 21, 2012 the Board approved the first reading of Ordinance 174-10. There have been no changes to the proposed Ordinance since the first reading. The proposed Ordinance would prohibit all land uses that are contrary to federal, state or local laws. The Township's Attorney recommended this change to address the medical marijuana issue. The second amendment would remove the requirement that a private riding arena or stable can only be located on premises that includes a residence. The third amendment will allow accessory structures to be located in the front yard of a lot under certain circumstances.

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 174-10

[An ordinance to amend Sections Section 2.202 (Prohibited Uses), 5.107 (Private Riding Arenas and Boarding Stables), and 6.03 (Accessory Structures and Uses) of the Superior Charter Township Zoning Ordinance No. 174 by authority of the Public Act 110 of 2006 (being MCL 125.3101 et. seq., as amended)]

[For Planning Commission Review and Recommendation to the Township Board]

SUPERIOR CHARTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

ARTICLE 2

ZONING DISTRICTS

[DELETE and REPLACE the text of Section 2.201A (Permitted Uses), as follows]

Section 2.201 Use Regulations.

In all districts, no structure or land shall be used or occupied, except in conformance with Article 4.0 (Land Use Table), and as otherwise provided for in this Ordinance.

A. Permitted Uses.

Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts, or if substantially similar in nature to uses which are listed. All other uses shall be prohibited. Land uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances shall be prohibited in any zoning district.

ARTICLE 5 USE STANDARDS

[DELETE and REPLACE the text of Section 5.107 to REMOVE the requirement for a dwelling on the same or an adjoining lot, as follows]

Section 5.107 Private Riding Arenas and Boarding Stables.

All stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall be subject to the following:

- ~~1. A dwelling in a principal building for the property owner or operator of the private stable shall be located on the same or an adjoining lot.~~
1. Stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall require a minimum lot area of four (4) acres, and shall be subject to the following:
 - a. Lots between four (4) and five (5) acres in gross land area shall be limited to a maximum of three (3) such animals. Private rearing, schooling and housing of such animals on lots five (5) acres and larger shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
 - b. All stable and arena buildings, corrals, and similar structures shall be located not less than 75 feet from adjacent properties all side and rear lot boundaries.
 - c. Stable and arena buildings, corrals, and similar structures shall not be located within any required front yard setback, and shall be located no closer to any road rights-of-way than the rear building line of any dwelling

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on the subject lot. For lots without a principal dwelling, such structures shall be set back a minimum of 300 feet from all road rights-of-way.

2. A fenced area for pasturing, exercising or riding such animals may extend to the front, rear or side lot boundaries. All such animals shall be kept confined within a fenced area when not being ridden, under harness, or when not in their stable and arena building, corral or similar structure.
3. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
4. There shall be no commercial activity, other than incidental sales not unusual for permitted RURAL USES or RESIDENTIAL USES.
5. Establishment or enlargement of such a facility shall be subject to approval of a certificate of zoning compliance per Section 1.07 (Certificates of Zoning Compliance). Approval of a building permit may be required if the facility is open to the public.

**ARTICLE 6
GENERAL PROVISIONS**

[DELETE and REPLACE the text of Section 6.03 to INSERT provisions for accessory structures to be located between the dwelling and the road right-of-way under certain conditions, as follows]

Section 6.03 Accessory Structures and Uses.

Where a lot is devoted to a permitted principal use or an approved conditional use, accessory uses are permitted if specifically listed as accessory uses in the applicable zoning district, or if substantially similar to such listed uses. Accessory uses shall be secondary and incidental to the principal use(s) of the parcel. Accessory structures and uses shall be subject to the following:

1. Where the accessory structure is attached to the principal building, the accessory structure shall be subject to all regulations of the district in which it is located.
2. In the Rural, Rural Residential, and Urban Residential Districts, detached accessory structures shall be set back behind the rear line of the principal building, and shall be set back a minimum of five (5) feet from interior side or rear property lines, except as follows:
 - a. In the case of a corner lot in the Urban Residential Districts, a detached accessory structure shall be set back behind the rear building line opposite the primary front entrance to the principal building, and shall be set back behind the front building line for the second road frontage (see "Accessory Structure Location on Corner Lot" illustration).

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- b. In the Rural and Rural Residential Districts, accessory structures shall be set back behind the front building line of the principal building, ~~and~~ except when all of the following conditions have been met:
 - (1) The accessory structure shall be located on a lot with a minimum lot area of 10.0 acres;
 - (2) The accessory structure shall be set back a minimum of 300 feet from all front lot boundaries and road rights-of-way, and a minimum of 75 feet from all side lot boundaries;
 - (3) The accessory structure shall be screened from all road rights-of-way and from dwellings on adjoining lots by any combination of topography, existing vegetation, fences permitted per Section 6.01 (Fence Regulations), other permitted structures, or the installation of additional landscaping elements per Section 14.10D (Methods of Screening); and
 - (4) The accessory structure and any additional screening shall be subject to review and approval by the Zoning Inspector per Section 1.07 (Certificates of Zoning Compliance).
 - c. In the Rural and Rural Residential Districts, accessory structures shall not encroach into the minimum required side yard.
 - d. Detached accessory structures in the Rural Districts larger than 832 square feet in floor area shall comply with the minimum required yard setback standards for the zoning district.
3. In any zoning district, a detached accessory structure shall not exceed fifteen (15) feet in height, except as follows:
- a. In the Rural Districts and R-1 (Single-Family Residential) zoning district, non-farm accessory structure height shall not exceed 20 feet.
 - b. Structures accessory to farms, agricultural operations, and other RURAL USES governed by the Right to Farm Act (P.A. 93 of 1981, as amended) shall be exempt from these requirements.
 - c. Other accessory structure height exceptions as permitted per Section 3.201 (Height Exceptions).
4. In the Rural Residential and Urban Residential Districts, not more than twenty-five percent (25%) of the area of the minimum required rear yard may be occupied by accessory structures.

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5. In any Business District, any accessory use or structure not attached to the principal building shall comply with all area, placement, and height regulations of the district in which it is located.
6. In any zoning district, the ground floor area of all detached accessory structures except farm structures, private stables, and riding arenas shall not exceed the ground floor area of the principal building, subject to the following:
 - a. In the Rural Districts and R-1 (Single-Family Residential) zoning district, the ground floor area of such accessory structures shall not exceed one and one-half (1-1/2) times the ground floor area of the principal building, up to a maximum of 4,000 square feet.
 - b. In the Rural Residential and Urban Residential Districts, the floor area of a residential garage shall not exceed the habitable floor area, not including basement floor area, of the principal dwelling.
 - c. In no case shall such accessory structures exceed 4,000 square feet.
7. In any zoning district, a detached accessory structure shall be located at least ten (10) feet from any other principal building or accessory structure.
8. No accessory structure shall be used prior to the principal building, except as a temporary construction structure per Section 6.04 (Temporary Structures).

It was moved by McKinney, seconded by Lewis, for the Board to approve the second reading and adoption of Ordinance No. 174-10, Zoning Ordinance Text Amendments.

Roll call vote:

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

Nays: None

Absent: None

The motion carried.

10. NEW BUSINESS

A. UTILITY DEPARTMENT, BUTLER SANITARY SEWER CONNECTION

The Board received a letter from Rick Church, Utility Department Director, in which he

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explained the Butler's request to finance the Trunk and Transmission Fees and Tap Fees through the Township. He indicated that the Ordinance allows for the financing of the Availability Fees, but does not address the Trunk and Transmission Fees and Tap Fees. He indicated he has been in contact with the Township Attorney, who assured Mr. Church that the Board could approve the Township's financing of the additional fees. Supervisor McFarlane explained that as indicated in the previous Agenda item, the Township is waiting for the Township Attorney to complete his review of the issue and to provide a formal response to the Township. He recommended the Board take no action on the item.

It was moved by Caviston, seconded by Lewis, for the Superior Township Board to receive the June 15, 2012 Memo from Utility Director Rick Church.

The motion carried by a voice vote.

B. PARKS DEPARTMENT, PURCHASE OF BLOWER TO MAINTAIN NON-MOTORIZED TRAILS

In a memo dated June 18, 2012, Keith Lockie, Parks Director, requested the Board approve his request for the Parks Department to purchase a blower to be used to clean the non-motorized trails in the Township from All Seasons at a cost of \$1,649.00.

It was moved by McKinney, seconded by Green, to approve the Parks Department's request to purchase a blower from All Seasons at a cost not to exceed \$1,649.00, as outlined in Keith Lockie's June 18, 2012 memo.

The motion carried by a unanimous voice vote.

C. SIDEWALK INSPECTIONS REQUEST FOR PROPOSAL (RFP)

Supervisor McFarlane explained that the Township's ordinance requires the sidewalks to be inspected every five years and it has been five years since the last inspection. A Request for Proposal (RFP) has been drafted for the Board's review and approval.

It was moved by McKinney, seconded by Williams, to approve the draft Request for Proposal for Sidewalk Inspection and Replacement Program and authorize the posting of the RFP.

The motion carried by unanimous voice vote.

D. REPUBLIC SERVICES, INC., WASTE REMOVAL CONTRACT RENEWAL 2013-2018

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Scott Cabauaton, Municipal Services Manager, Republic Services, was present and provided a letter to the Board which outlined a proposal to extend Republic Services current contract for solid waste collection within the Township for five years, beginning in October 1, 2012. The proposal includes replacing the 18 gallon bin with a 95 gallon cart for recycled waste that would be picked up every other week. The actual cost of the contract would be reduced slightly.

It was moved by McKinney, seconded by Caviston, for the Board to receive Mr. Cabauatan's June 14, 2012 letter.

The motion carried by unanimous voice vote.

E. WASHTENAW COUNTY INVOICE OCTOBER 27, 2012 CLEANUP DAY

The Board received an invoice from Washtenaw County Public Works for waste disposal for the October 27, 2012 Cleanup Day to be held at Rynearson Stadium.

It was moved by McKinney, seconded by Green, to approve payment of the invoice from Washtenaw County Public Works in the amount of \$2,000.00 for waste disposal for the October 27, 2012 Cleanup Day.

The motion carried by unanimous voice vote.

F. HURON RIVER WATERSHED DUES, 2012-2013

The Board received an invoice from Huron River Watershed in the amount of \$744.31 for annual membership dues for April 2012-March 2013.

It was moved by Caviston, seconded by Green, to approve payment of the invoice from Huron River Watershed in the amount of \$744.31 for annual membership dues for April 2012-March 2013.

The motion carried by unanimous voice vote.

G. RESOLUTION 2012-16, TOWNSHIP'S OPPOSITION TO INCREASING THE SPEED LIMITS ON CLARK AND RIDGE ROADS

Supervisor McFarlane explained he received a communication from the Road Commission that indicated the speed limits on Clark and Curtis Roads were proposed to be increased. He opposed the increase in the speed limits and requested the Board support his position by adopting the following resolution, which was moved by Phillips and seconded by Caviston:

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WASHTENAW COUNTY, MICHIGAN

**A RESOLUTION TO EXPRESS THE CHARTER TOWNSHIP OF SUPERIOR BOARD
OF TRUSTEE'S OPPOSITION TO THE WASHTENAW COUNTY ROAD
COMMISSION'S PROPOSAL TO RAISE THE SPEED LIMIT ON CLARK AND
CURTIS ROADS**

RESOLUTION NUMBER: 2012-16

DATE: JUNE 18, 2012

Whereas: the Charter Township of Superior has concerns regarding the safety of the motoring public with regard to traffic speeds and

Whereas: the Sheriff Department and Superior Township Fire Department have responded to traffic crashes at intersections on many occasions at MacArthur and Clark also Plymouth and Curtis Roads and

Whereas: the Charter Township of Superior contracts for law enforcement with The Washtenaw County Sheriff Department and

Whereas: the Sheriff Department has expressed concern regarding increased speed on both Clark Road and Curtis Road and

Whereas: Clark Road has heavy residential, playgrounds, commercial and schools located along the roadway and

Whereas; the Clark roadway also has curves and inclines that may impact sight distances for traffic entering the roadway and

Whereas: Curtis Road has an overpass and South bound traffic has a dead end stop a short distance from the overpass and

Whereas: Curtis Road already shows pavement wash boarding at Plymouth Road From speed deceleration and

Whereas; the Charter Township of Superior routinely receives complaints of speed on Clark Road and Curtis Road

Therefore be it resolved: that the Charter Township of Superior requests the Washtenaw County Board of Road Commissioners support the current road speeds on Curtis and Clark Roads.

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

Nays: None

Absent: None

The resolution was adopted.

H. RESOLUTION 2012-17, SUPERIOR TOWNSHIP'S PURCHASE OF 12 ACRES ON HARRIS ROAD

Supervisor McFarlane explained that there have been ongoing discussions with members of the Ypsilanti District Library (YDL) and Superior Township about YDL constructing a new branch library in Superior Township. A twelve acre parcel owned by the Willow Run School District has been identified as a suitable location for the future library. He requested the Board adopt the following resolution to authorize Township staff to negotiate the purchase of the property.

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

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WASHTENAW COUNTY, MICHIGAN
JUNE 18, 2012
RESOLUTION 2012-17**

**A RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATIVE STAFF TO
NEGOTIATE FOR THE PURCHASE OF TWELVE ACRES OF LAND FROM
WILLOW RUN COMMUNITY SCHOOLS**

WHEREAS, the Superior Township Parks Commission, the Ypsilanti District Library and the Superior Township Board of Trustees have been working together to find a new location for the Superior Township Branch of the Ypsilanti District Library; and

WHEREAS, Willow Run Community Schools owns a twelve-acre vacant parcel of land on Harris Rd. within walking distance of the current Superior Township Branch of the Ypsilanti District Library that is considered desirable as a new location for the Branch Library; and

WHEREAS, representatives of the Township have been negotiating with Willow Run Community Schools for the acquisition by the Township of the twelve – acre vacant parcel of land on Harris Rd.; and

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WHEREAS, two appraisals of the vacant parcel have been conducted, with one valuing the property at \$115,000 and the other one at \$170,000, and

WHEREAS Willow Run Community Schools and the representatives of the Township have tentatively agreed upon a sale price of \$140,000, with the terms of the acquisition to be set forth in a Sales Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Superior Township Board authorizes the Township Administrative Staff to negotiate with Willow Run Community Schools for the purchase of the twelve-acre vacant parcel on Harris Rd. for **\$140,000.00** for use as the new location for the Superior Township Branch of the Ypsilanti District Library.

The Resolution was adopted by unanimous voice vote.

I. EMPLOYEE 457 PLAN AMENDMENTS

The Township recently received a letter date March 8, 2012 from one of the Township's insurance agents, Burnham & Flowers, which indicated that the Internal Revenue Service (IRS) mandated changes to retirement plans to reflect changes with current legislation. The letter indicated that the IRS mandated the following provisions are required:

Heroes Earning Assistance and Relief Act of 2008 (HEART), which contains provisions relating military service rights and benefits.

Worker, Retiree and Employer Recovery Act of 2008 (WRERA), which details the 2009 minimum provisions.

It was moved by Caviston, seconded by Green, for the Superior Township Board of Trustees adopt the HEART and WRERA Amendments as written to the Township's existing Governmental 457 Plan effective June 18, 2012 and that Supervisor William McFarlane is authorized to execute such amendments.

The motion carried by unanimous voice vote.

11. PAYMENT OF BILLS

It was moved by Caviston, seconded by McKinney, that the bills be paid as submitted in the following amounts: Utilities -\$1,800.00; for a total of \$1,800.00. Further, that the Record of Disbursements be received.

The motion carried by a unanimous voice vote.

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12. PLEAS AND PETITION

There were none.

13. ADJOURNMENT

It was moved by Caviston, seconded by McKinney, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 9:10 p.m.

Respectfully submitted,

David Phillips, Clerk

William McFarlane, Supervisor