

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 1**

1. CALL TO ORDER

The regular meeting of the Superior Charter Township Board was called to order by the Supervisor Kenneth Schwartz at 7:30 p.m. on November 18, 2013, 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 Caviston, to adopt the agenda with the addition of Blight Violations, Add to Winter 2014 Tax Roll as item j. under New Business.

The motion carried by unanimous voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF OCTOBER 21, 2013

It was moved by McKinney, seconded by Lewis, to approve the minutes of the regular Board meeting of October 21, 2013, as presented.

The motion carried by a unanimous voice vote.

6. CITIZEN PARTICIPATION

Ms. Baker requested the Township investigate if Republic Waste is able to extend the collection of yard waste for the first two weeks of December so that residents could clean-up their yards on the long Thanksgiving weekend and have it picked-up.

Ms. Lopez requested that the Township have trash picked-up along Leforge Road.

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 2**

7. REPORTS

A. SUPERVISOR REPORT

Supervisor Ken Schwartz reported on the following: It appears the Township is close to resolving contract negotiations with YCUA. There are two main issues, the amount of capacity the Township reserves at the plant and the Township obtaining a deduction for the waste that flows from Ypsilanti Township into Superior Township's pipes. Schwartz feels agreement has been reached on both issues and other minor issues and expects to bring a proposed contract for the Board's approval at either the December or January meeting. Schwartz and Ms. Kurath inspected all of the roads in the Township. He feels that most of the roads are in pretty good condition. He is going to investigate methods of funding road maintenance other than General Fund expenditures. Schwartz has been involved in discussions with Ann Arbor Township over ways to cooperate or merge service with both fire departments. They are investigating applying for a CGAP grant, which would fund research into cooperation and merging. With funds approved by the Board at the October 21, 2013 meeting, the Township hired an attorney who has completed significant legal research into Rock Riverine's application for a NPDES private wastewater treatment plant. He suggested the Board may meet in closed session at a future meeting to discuss the attorney's correspondence. Township officials have met with Rock Riverine representatives about the possibility of not developing the property but selling the development rights or the property outright. Township officials have agreed to contact various agencies to pursue this option. Township officials met with Pulte Homes. Pulte's Prospect Pointe subdivision has been stalled for at least five years. Pulte indicated that they have not had any sales interest in their homes at Prospect Pointe. They are requesting some amendments to some of the requirements. They are supposed to bring additional information. Schwartz and Sheriff's Sgt. Bell met with Judge Cedric Simpson about the eviction process at Sycamore Meadows and Danbury Green apartments. Schwartz said he will continue to work with the apartment complexes management in order to improvement their enforcement of house rules and evictions.

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

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

The motion carried by a unanimous voice vote.

C. GENERAL FUND AND UTILITY DEPARTMENT FINANCIALS, PERIOD ENDING SEPTEMBER 30, 2013

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 3**

It was moved by Caviston, seconded by Williams, for the Board to accept the General Fund and Utility Department Financials for the period ending September 30, 2013.

The motion carried by a unanimous voice vote.

8. COMMUNICATIONS

There were none.

9. UNFINISHED BUSINESS

There was none.

10. NEW BUSINESS

A. RESOLUTION 2013-32, OPT OUT OF RESTRICTIONS MANDATED BY PUBLIC ACT 152 OF 2011, EMPLOYER'S PAYMENTS FOR MEDICAL BENEFITS

Supervisor Schwartz explained that the state law required public employers limit the amount they contribute to an employee's health care insurance ("hard cap") or that the employee pay for 20% of the cost of the health care insurance. The law allows the public employer to opt-out of the requirements by a two-thirds majority vote. In 2013 the Township significantly exceeded the hard cap and did not institute a 20% contribution by employees. It is anticipated that for 2014 the hard cap will be exceeded and that the Township will not require a 20% contribution from employees. Supervisor Schwartz recommends the Township Board approve opting-out of requirements.

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

**A RESOLUTION TO APPROVE THE CHARTER TOWNSHIP OF SUPERIOR TO OPT
OUT OF THE RESTRICTIONS MANDATED BY PUBLIC ACT 152 OF 2011
ON PUBLIC EMPLOYER'S PAYMENTS FOR MEDICAL BENEFITS PLANS**

RESOLUTION NUMBER: 2013-32

DATE: NOVEMBER 18, 2013

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 4**

WHEREAS, on September 28, 2011, Governor Rick Snyder signed Senate Bill 7 into law, which created Public Act 152 of 2011; and

WHEREAS, Public Act 152 of 2011 provides for certain limitations on the amount that public employers may contribute toward the annual cost of medical benefit plans that cover their employees as follows:

- for plans beginning on or after January 1, 2014, restricts public employers from paying an aggregate annual amount (hard cap) of no more than \$15,975.23 per family, \$11,715.17 per couple and \$5,857.58 for individuals for employee plans; and
- allows that a governing body may choose to implement a 20 percent employee copayment for the total cost of the plan instead of the hard cap; and
- allows that by a two-thirds majority vote, the governing body may opt out of the hard cap and 20 percent copayment required by the Act and not incur any penalties; and

WHEREAS, Public Act 152 of 2011 provides for penalties of withholding Economic Vitality Incentive Program Funds (EVIPF) issued by the State for public employers who fail to follow the law; and

WHEREAS, the Charter Township of Superior has not received any EVIPF in many years; and

WHEREAS, the Charter Township of Superior Board of Trustees approved providing medical benefit plans to Township employees at a cost that exceeds the hard cap and does not meet the 20% copayment requirement; and

NOW, THEREFORE, BE IT RESOLVED, as recommended by the administrative staff of the Charter Township of Superior, the Charter Township of Superior Board of Trustees does hereby approve that for the medical benefits plan year starting in 2014, the Township opt out of the employer costs mandated by Public Act 152 of 2011 relating to the employer's payments towards medical benefits plans.

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

Nays: None

Absent: None

The motion carried

B. RESOLUTION 2013-33, UTILITY DEPARTMENT SAW GRANT APPLICATION

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 5**

Supervisor Schwartz explained that the Township is eligible to apply to the Michigan Department of Environmental Quality (MDEQ) for a SAW grant. The SAW grant can be used to inspect and evaluate the wastewater system in the Township and to prepare a plan to repair and improve the areas in the system that are found to be deficient. There are requirements that the Township adjust rates or implement other funding mechanisms within certain time periods to provide the funding for the needed repairs and improvements. The grant requires a 10% match. Supervisor Schwartz recommended the Board apply for the grant. It would require hiring OHM Advisors to prepare the grant at a cost estimated not to exceed \$5,000

It was moved by Phillips, seconded by McKinney, for the Board to approve the following Resolution 2013-33 and applying for the MDEQ SAW Grant, for OHM Advisors to prepare the MDEQ SAW Grant with a grant amount not to exceed \$505,000 and for the cost of OHM Advisors not to exceed \$5,000, which will be expended from the Utility Department's account # 631.

RESOLUTION 2013-33

_____ of _____
County of _____

Resolution Authorizing the SAW Grant Agreement

Minutes of the regular meeting of the _____ of the _____ of _____
County of _____, State of Michigan, (the "Municipality") held on _____.

PRESENT: Members: _____

ABSENT: Members: _____

Member _____ offered and moved the adoption of the following resolution, seconded by Member _____.

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 6**

Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to (*select one or more*)
 establish an asset management plan, establish a stormwater management plan, establish a plan for wastewater/stormwater, establish a design of wastewater/stormwater, pursue innovative technology, or initiate construction activities (up to \$500,000 for disadvantaged community).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed _____ ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. _____ (*title of the designee's position*), a position currently held by _____ (*name of the designee*), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.
2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.
3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 7**

4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.

5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.

6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

YEAS: Members:

NAYS: Members:

RESOLUTION DECLARED ADOPTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the _____ of the _____ of _____, County of _____, 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, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Name _____ of _____, Clerk
_____ of _____ County of _____

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 8**

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

Nays: None

Absent: None

The motion carried

C. ORDINANCE 174-13, ZONING ORDINANCE AMENDMENTS, OFF-STREET PARKING, DEFINITIONS, FIRST READING

Clerk Phillips explained that Ordinance No. 174-13 proposes amendments to the Zoning that are primarily housekeeping functions. The changes include clarifying parking requirements on non-residential land, the section number related to Performance Guarantees, clarified the definitions of Building Line, Floor Area Ratio, Health Club or Fitness Center and Recreational Facility. The Planning Commission recommended the amendments be approved.

It was moved by Caviston, seconded by McKinney, for the Board to approve the first reading of Ordinance No. 174-13.

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 174-13

[An ordinance to amend Section 8.03 (General Regulations) and Section 17.03 (Definitions) of the Superior Charter Township Zoning Ordinance No. 174 to clarify standards for vehicle parking, determinations of building lines, and calculation of floor area ratio; and to REVISE the "recreational facility" definitions and INSERT a new definition of "health club and fitness center," by authority of the Public Act 110 of 2006 (being MCL 125.3101 et. seq., as amended)]

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

**ARTICLE 8
OFF-STREET PARKING AND LOADING REGULATIONS**

[REVISE subsection "B.3." to only apply to non-residential land uses, as follows]

Section 8.03 General Regulations.

The following standards shall apply to all off-street parking and loading facilities:

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 9**

B. Use.

Any area once designated as required off-street parking, stacking, or loading spaces shall not be changed to any other use, unless adequate spaces meeting the standards of this Article have first been provided at another location acceptable to the Planning Commission. Use of off-street parking, stacking, and loading facilities shall be further subject to the following:

1. No commercial activity or selling of any kind shall be conducted within required parking areas, except as part of a permitted temporary use.
2. Parking lots and loading areas shall not be used for parking of inoperable vehicles, storage or display of motor vehicles for sale, vehicle repairs, dumping of refuse, or storage of any merchandise, equipment, products or materials.
3. Parking of an operable motor vehicle in the parking lot of a non-residential land use shall not exceed a continuous period of more than 48 consecutive hours.
4. No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property. Ownership shall be shown for all lots intended for use as parking by the applicant.

**ARTICLE 10
SITE PLAN REVIEW**

[CORRECT the section reference in the second paragraph to "Section 1.11C" as follows]

Section 10.11 Compliance with an Approved Site Plan.

...

To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Township may require that a performance guarantee be deposited with the Township Treasurer, subject to the standards of Section ~~1.08C~~-1.11C (Performance Guarantees).

**ARTICLE 17
DEFINITIONS**

Section 17.03 Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

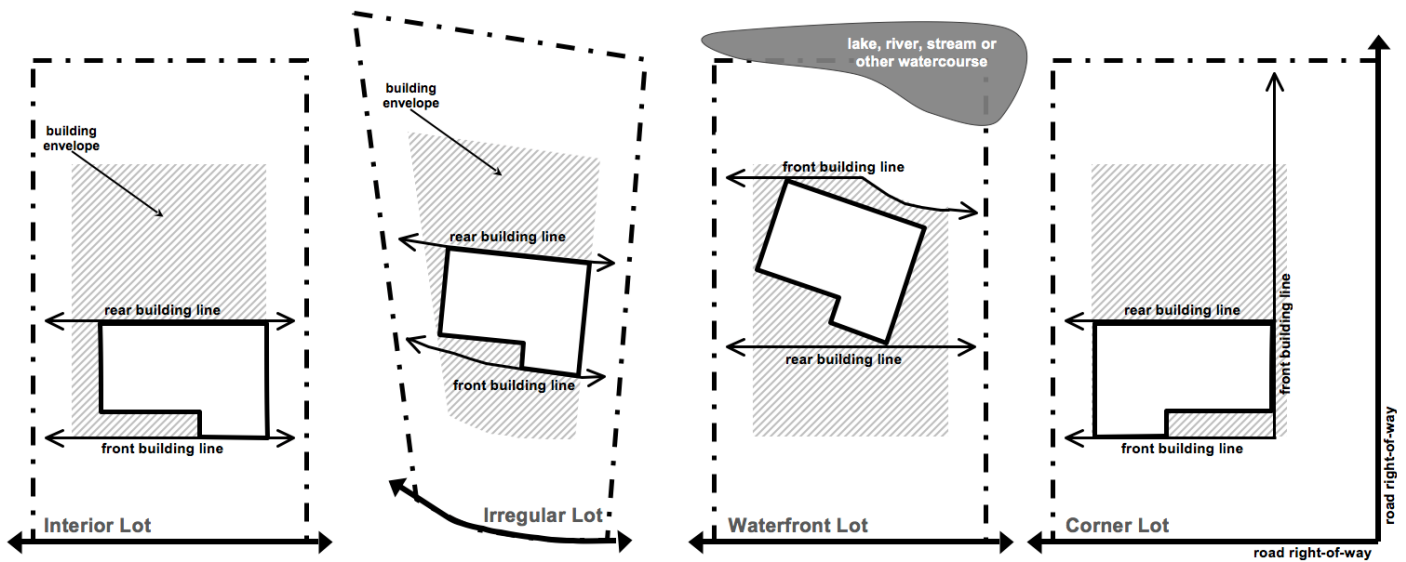
[CLARIFY the "building line" definition and INSERT new illustrations for "building lines" and "accessory structure location on corner lot" as follows]

25. **Building Line.** The line formed by either of the following, as applicable:

- a. The junction of the plane of the outer surface of the front or rear of the building with the plane of the finish grade or surface of the adjoining ground, where this line is generally parallel to the nearest front or rear lot boundary.
- b. The line tangent to the point of the building nearest to the front or rear lot boundary and extending to the side lot boundaries in a manner generally parallel to the nearest front or rear lot boundary.

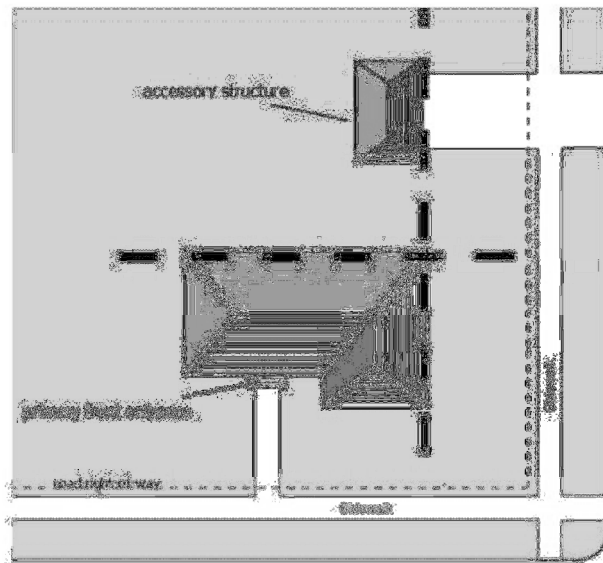
At no point shall a building line extend closer to the front or rear lot boundaries than the minimum required yard setbacks for the zoning district (see **"Accessory Structure"** **"Building Lines"** illustration).

ILLUSTRATIONS



Building Lines

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 11**



Accessory Structure Location on a Corner Lot

[CLARIFY the "floor area ratio" definition to use "net" lot area to match the ground floor coverage (GFC) calculation; and include an example from the Township's dimensional standards as follows]

83. Floor Area Ratio. A ratio calculated by dividing the floor area of a building by the net lot area of the lot on which it is located. For example, if a floor area ratio of 0.40 is specified and the net lot area is two (2) acres [or 87,120 square feet], the maximum permitted floor area on the lot is 34,848 square feet. Subject to the provisions of this Ordinance regarding height and story limitations, the maximum building floor area may be 17,424 square feet for each of two (2) stories, or 11,616 square feet for each of three (3) stories.

The ratio of the floor area of a building to the area of the lot on which it is located, calculated by dividing the floor area by the lot area and expressing it as a percentage. For example, if a floor area ratio of eighty percent (80%) is specified and the lot area is ten thousand (10,000) square feet, the maximum permitted floor area on the lot is eight thousand (8,000) square feet. Subject to the provisions of this Ordinance regarding height and story limitations, the building area may be four thousand (4,000) square feet for each of two (2) stories, two thousand (2,000) square feet for each of four (4) stories, or one thousand (1,000) square feet for each of eight (8) stories.

[INSERT a new "health club or fitness center" definition and REVISE the definitions of "recreational facility, indoor" and "recreational facility, outdoor" as follows]

98a. Health Club or Fitness Center. A type of indoor recreational facility that provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, swimming pool, or gymnasium, but does not include spectator seating or facilities for sporting events; bowling alleys or curling centers; indoor

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 12**

soccer, racquetball or tennis facilities; ice or roller skating rinks; firearms ranges; or other large scale or more intensive indoor recreational facilities.

174. Recreational Facility, Indoor. A ~~privately-owned~~ facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) ~~and,~~ including privately-owned facilities operated as a business and open for use by the public for a fee; such as gymnasiums, health clubs, and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges. Such facilities may include spectator seating or facilities for sporting events.

175. Recreational Facility, Outdoor. A ~~privately-owned~~ facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) ~~and,~~ including privately-owned facilities operated as a business and open for use by the public for a fee; such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks. Such facilities may include spectator seating or facilities for sporting events.

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

Nays: None

Absent: None

The motion carried.

D. ORDINANCE 174-14, ZONING ORDINANCE AMENDMENTS, CELL TOWERS, BIO-FUELS, FIRST READING

Clerk Phillips explained that State laws were recently enacted that resulted in new requirements for the zoning review and approval of cell towers and farm based bio-fuels. It is necessary for the Township to amend its zoning ordinance to comply with the requirements required by the State law. The changes required a section be added to the zoning ordinance so that the production of certain amounts of farm based bio-fuels are a permitted use, and the review and processing of changes to cell towers are properly addressed.

It was moved by McKinney, seconded by Lewis, to approve the first reading of the following ordinance:

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 13**

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 174-14

[An ordinance to amend Articles 4.0 (Land Use Table), 5.0 (Use Standards), and 17.0 (Definitions) to insert volatile farm-based biofuel production facility standards into the ordinance, and to amend Section 14.02 (Wireless Communication Facilities) as required by and by authority of the Public Act 110 of 2006 (being MCL 125.3101 et. seq., as amended)]

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

**ARTICLE 4
LAND USE TABLE**

[In accordance with Section 3513 of the Michigan Zoning Enabling Act, INSERT two (2) new land uses at the end of the table under "Other Uses," as follows]

Uses	Districts														Use Standards				
	Rural			Residential				Business			Other	Special							
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	HCD	PSP	PC	NSC		VC	MS	PM	OSP
OTHER USES																			
Volatile Farm-Based Biofuel Production Facility With an Annual Production Capacity of Up To 100,000 Gallons of Biofuel		P	P																Section 5.605
Volatile Farm-Based Biofuel Production Facility With an Annual Production Capacity of Between 100,000 and 500,000 Gallons of Biofuel		C	C																Section 5.605

**ARTICLE 5
USE STANDARDS**

[INSERT a new Section 5.605 entitled "Volatile Farm-Based Biofuel Production" as follows]

Section 5.605 Volatile Farm-Based Bio-Fuel Production.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, limited, farm-based production of certain biofuels shall conform to the following requirements:

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 14**

A. General Standards.

The following standards shall apply to all such facilities:

1. The biofuel production facility shall be accessory to and located on the same zoning lot as an active farm operation lawfully operating in the Township.
2. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and bio-diesel, derived from recently living organisms or their metabolic byproducts. Farm-based production of methane or any fuel product from an anaerobic digester shall be prohibited.
3. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Article 3.0 (Dimensional Standards). In addition, such facilities and improvements shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
4. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, and applicable state and federal laws and regulations.
5. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning Inspector documentation of all necessary permits and approvals from applicable federal, state, and local authorities with jurisdiction over any of the following:
 - a. Air pollution emissions.
 - b. Transportation of biofuel or another product or by-product of production.
 - c. Use or reuse of additional products resulting from biofuel production.
 - d. Storage of raw materials, fuel or additional products used in or resulting from biofuel production.
 - e. Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.
 - f. Compliance with federal requirements associated with ethanol production of more than 10,000 proof gallons annually.
6. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 15**

7. The operator of a facility with an annual production capacity of not more than 100,000 gallons of biofuel operating as a permitted use in the zoning district (without Conditional Use Permit approval) shall also provide an annual written report to the Zoning Inspector which demonstrates that:
 - a. At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and
 - b. At least seventy-five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.

Operation of a biofuel production facility with an annual production capacity of not more than 100,000 gallons that does not conform to the percentage limitations of this subsection shall be subject to Conditional Use Permit approval in accordance with this Section and Ordinance.

B. Additional Standards for Certain Facilities.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, the following additional standards shall apply only to biofuel production facilities with an annual production capacity of more than 100,000 gallons of biofuel, and to any biofuel production facility subject to Conditional Use Permit approval in accordance with this Section or Ordinance:

1. Such facilities shall be limited to a maximum annual biofuel production capacity of not more than 500,000 gallons.
2. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:
 - a. A detailed description of the process to be used to produce the biofuel.
 - b. The number of gallons of biofuel anticipated to be produced annually.
 - c. An emergency access and fire protection plan, subject to review and recommendation by emergency response agencies serving the Township.
 - d. Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

C. Limitations on Special Use Permit Review.

Per Section 3513 of the Michigan Zoning Enabling Act, Township review of a Conditional Use Permit application for a biofuel production facility shall be modified as follows:

1. **60-day time limit for a public hearing.** For any Conditional Use Permit application subject to the requirements of this Section, the Planning Commission

**SUPERIOR CHARTER TOWNSHIP BOARD
 REGULAR MEETING
 NOVEMBER 18, 2013
 ADOPTED MINUTES
 PAGE 16**

shall hold a public hearing on the application in accordance with Section 1.14 (Public Hearing Procedures) within 60 calendar days after the filing date of a complete and accurate application.

The application shall be deemed to have been rejected as incomplete if no public hearing is held within this 60 calendar day period. An application deemed incomplete per this subsection may be resubmitted as a new application for the purpose of completing the review process. Such applications shall not be subject to the requirements of Section 11.08 (Re-Application).

2. **Limitation on conditions of approval.** The Planning Commission’s authority to impose conditions on the approval of a biofuel production facility subject to this Section shall be limited to conditions necessary to verify that the facility conforms to all of the requirements of this Section.

**ARTICLE 14
 SPECIAL DEVELOPMENT REGULATIONS**

[REVISE the table in subsection “A,” and INSERT new paragraphs one through four into subsection “B” and renumber the subsequent subsections accordingly, to conform to recent amendments to the Michigan Zoning Enabling Act, as follows]

Section 14.02 Wireless Communication Facilities.

A. Type of Review Required.

Wireless communications facilities shall be subject to review and approval in accordance with the following table:

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
NEW TOWERS AND ANTENNAE			
Construction of a new wireless communication tower or ground equipment enclosure area for a tower.	●		
Antenna(e) installation on an existing principal building or accessory structure that includes use of a ground equipment enclosure area outside of the existing building or structure.	●		
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed and maintained within the existing building or structure.		●	
COLLOCATION ON EXISTING TOWERS			

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 17**

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
Alteration or enlargement of a wireless communication tower that would continue to conform to maximum height requirements with an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. Also see Section 14.02B.4. (Special Provisions for Review of Certain Alterations and Collocations).	●		
Alteration or enlargement of a wireless communication tower that would continue to conform to maximum height requirements without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.		●	
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet. Also see Section 14.02B.4. (Special Provisions for Review of Certain Alterations and Collocations).	●		
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet.		●	
Collocation of a new antenna on an existing tower that would continue to conform to maximum height requirements with an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. Also see Section 14.02B.4. (Special Provisions for Review of Certain Alterations and Collocations).	●		
Collocation of a new antenna on an existing tower that would continue to conform to maximum height requirements without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.		●	
Construction or expansion of ground equipment building(s) within an approved ground equipment enclosure.		●	
Installation of new ground equipment within an approved ground equipment building or enclosure.		●	
SATELLITE DISH ANTENNAE			
Installation of a satellite dish antenna with a diameter 1.5 meters or larger.		●	
Installation of a satellite dish antenna with a diameter less than 1.5 meters.			●

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 18**

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
AMATEUR RADIO ANTENNAE			
Installation of an amateur radio transmission and reception antenna or antenna structure.		●	
Installation of a citizen band radio base station antenna structure, contractor's business antenna structure, television reception antenna or wireless Internet antenna for personal use, or similar facility exceeding 14 feet in height.		●	
Installation of short wave facilities, amateur radio reception-only antenna, television reception antenna or wireless Internet antenna for personal use, or similar facility up to a maximum height of 14 feet.			●
Installation of municipal and other facilities subject to federal or state preemption of local regulatory authority.			●
OTHER PROJECTS			
Repair or service of existing wireless communications facilities, provided that all work complies with applicable regulations and approved plans.			●
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			●

1. **Exempt facilities.** Nothing in this Section shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended). Facilities exempt from review per Section 11.02A (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.
2. **Facilities subject to Zoning Inspector approval.** Facilities subject to certificate of zoning compliance approval per Section 11.02A (Type of Review Required) shall require review and approval by the Zoning Inspector in accordance with the applicable standards of this Section and Section 1.07 (Certificates of Zoning Compliance).

B. Conditional Use Permit.

Wireless communications facilities subject to conditional use approval per Section 11.02A (Type of Review Required) shall require review and approval of a Conditional Use Permit by the Planning Commission, subject to the standards of this Section and Article 11.0 (Conditional Uses).

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 19**

1. **Limitation on review fees.** Per Section 3514 of the Michigan Zoning Enabling Act, fees required for a Conditional Use Permit application per Section 14.02A (Type of Review Required) shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
2. **14-day time limit to determine eligibility and completeness.** Per Section 3514 of the Michigan Zoning Enabling Act, the Clerk shall immediately transmit a copy of any application materials and plans filed in accordance with this Section for a Conditional Use Permit per Section 14.02A (Type of Review Required) to the Township Planner to determine whether the application is administratively complete per Section 11.38B (Application Information).
 - a. The Township Planner shall transmit a written response to the Clerk and the applicant within 14 business days stating either that the application is administratively complete or listing the specific information needed for a complete application.
 - b. The application shall be deemed administratively complete if no written response is transmitted to the Clerk and applicant within the 14 business day period.
3. **90-day time limit on Planning Commission action.** For any Conditional Use Permit application not subject to the additional requirements of Section 14.02B.4. (Special Provisions for Review of Certain Alterations and Collocations) below, the Planning Commission shall complete its review and take final action per Section 11.05 (Planning Commission Action) within 90 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this 90 calendar day period.
4. **Special provisions for review of certain alterations and collocations.** Per Section 3514 of the Michigan Zoning Enabling Act, Township review of proposed alterations to existing wireless communication towers or ground equipment enclosures subject to Conditional Use Permit approval per Section 14.02A (Type of Review Required) and referencing this subsection shall be modified as follows:
 - a. **60-day time limit on Planning Commission action.** The Planning Commission shall complete its review and take final action on the application per Section 11.05 (Planning Commission Action) within 60 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this time period.
 - b. **Limitation on conditions of approval.** Planning Commission authority per Section 11.06 (Conditions of Approval) and 14.02B.8. (Conditions of Approval) to impose conditions on any approval of an application subject to the additional requirements of this subsection shall be limited to conditions intended to:
 - (1) Verify compliance with the applicable requirements of this Ordinance; or

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 20**

- (2) Ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation.

[RENUMBER the six remaining subsections accordingly]

**ARTICLE 17
DEFINITIONS**

[INSERT two new definitions into Section 17.03, as follows]

Section 17.03 Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

- 20a. **Biofuel.** A renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including but not limited to ethanol and bio-diesel; and not including methane or any other fuel product from an anaerobic digester.
- 225a. **Volatile Farm-Based Biofuel Production Facility.** An accessory use, clearly incidental and subordinate to an active farm operation lawfully operating on the same zoning lot, in which biofuel (as defined in this Section) is derived from recently living organisms or their metabolic by-products. This term shall include all equipment, storage tanks, and other improvements needed to produce, store, and transport the biofuel in a manner that meets all federal, state, and Township standards and limitations.

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

Nays: None

Absent: None

The motion carried.

E. CONNECTING COMMUNITIES INITIATIVE, NMT GRANT APPLICATION

Supervisor Schwartz explained that he discussed the Connecting Communities Initiative grant program for non-motorized trails. He was told that there is \$600,000 available in grant money, this is probably the last year for the grant program and that large projects (similar to projects the

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 21**

Township applied for last year) are not likely to be approved. He suggested that the Township apply for a grant to construct a small NMT in the Dixboro area, possibly a connection to the NMT proposed for a NMT to run from Geddes Road to Plymouth Road. He requested the Board approve Township Administrative staff to hire OHM Advisors to complete a grant application for the construction of a NMT in the Dixboro area.

It was moved by Phillips, seconded by McKinney, for the Board to approve the Township Administrative staff to hire OHM Advisors to prepare a grant application for the Connecting Communities Initiative for a NMT to be located in the Dixboro community and for OHM Advisors' cost not to exceed \$3,000.

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

Nays: None

Absent: None

The motion carried.

F. AATA PURCHASE OF SERVICE AGREEMENT 2014, FIXED ROUTE AND A-RIDE

Supervisor Schwartz noted that the cost for fixed route service increased by 1.4% and the cost for the A-Ride service increased by \$3,000 or 30%. The cost increase was largely due to a 9.5% increase in the budgeted number of passenger trips, which resulted in an increase of almost \$6,000. The Board discussed the value of AATA's service in the community and was comfortable with the increase in cost, which totaled \$3,405.

It was moved by McKinney, seconded by Lewis, to approve AATA's Purchase of Service of Agreements for 2014 for fixed route and A-Ride service for a total of \$37,277.00.

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

Nays: None

Absent: None

The motion carried

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 22**

G. BOARD APPOINTMENTS

Supervisor Schwartz recommended that the Board approve him to replace former Supervisor McFarlane for the Board appointments that were approved on December 17, 2012 and as Chairperson of the LDFA Board as follows:

LDFA Board Appointments Needed:

Ken Schwartz to replace McFarlane as Chairperson
Smoke, expires 1-19-2014
Champagne, expires 1-19-2014
McGill, expires 1-19-2014

Planning Commission	David Phillips
Park Commission Liaison	Alex Williams
Zoning Board of Appeals	Lisa Lewis
Supervisor Pro Tem	Brenda McKinney
SEMCOG	Rodrick Green
Superior Scenes	Nancy Caviston
Dixboro Design Review Board	William McFarlane/David Phillips
Wetlands Board	Nancy Caviston
WATS	Wm. McFarlane/ Brenda McKinney
County Non-Motorized Trail Committee	Brenda McKinney
Election Commission	R. Green/L. Lewis/D. Phillips
Washtenaw Co. Solid Waste Authority	Alex Williams/ D. Phillips
Urban County	Wm. McFarlane/Brenda McKinney

It was moved by Green, seconded by McKinney, to approve Supervisor Schwartz to replace former Superior McFarlane as Chairperson of the LDFA and as the Board's Representative to the Dixboro Design Review Board, WATS, and Urban County.

The motion carried by unanimous voice vote.

H. 2014 HOLIDAY SCHEDULE

The Board discussed the holiday schedule for 2014. Treasurer McKinney suggested the Township add an additional paid holiday for employees, the day after Christmas.

It was moved by McKinney, seconded by Lewis to approve the following holiday schedule for 2014:

**CHARTER TOWNSHIP OF SUPERIOR
2014 HOLIDAY CLOSINGS SCHEDULE**

Wednesday, January 1, 2014	New Year's Day
Monday, January 20, 2014	Martin Luther King, Jr. Day
Monday, February 17, 2014	President's Day
Friday, April 18, 2014*	Good Friday (1/2 day)
Monday, May 26, 2014	Memorial Day
Friday, July 4, 2014	Independence Day
Monday, September 1, 2014	Labor Day
Monday, October 13, 2014	Columbus Day
Tuesday, November 11, 2014	Veteran's Day
Thursday, November 27, 2014	Thanksgiving Day
Friday, November 28, 2014	Day after Thanksgiving
Wednesday, December 24, 2014	Christmas Eve
Thursday, December 25, 2014	Christmas
Wednesday, December 31, 2014	New Year's Eve

- denotes ½ day, offices close at 12:00 noon.

The motion carried by unanimous voice vote.

I. 2014 MEETING SCHEDULE

It was moved by Williams, seconded by Lewis to approve the following meeting schedule for 2014:

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 24**

**CHARTER TOWNSHIP OF SUPERIOR
3040 NORTH PROSPECT, YPSILANTI, MICHIGAN 48198
734-482-6099**

2014 MEETING SCHEDULE

TOWNSHIP BOARD

All regular meetings are held at the Township Hall, 3040 N. Prospect, at 7:30 p.m. on the third Monday of each month. If a holiday falls on a third Monday, the meeting will be on the Tuesday following that Monday of that week.

Tuesday, January 21, 2014 (following Martin Luther King Day)
Tuesday, February 18, 2014 (following Presidents' Day)
Monday, March, 17, 2014
Monday, April 21, 2014
Monday, May 19, 2014
Monday, June 16, 2014
Monday, July 21, 2014
Monday, August 18, 2014
Monday, September 15, 2014
Monday, October 20, 2014
Monday, November 17, 2014
Monday, December 15, 2014

PLANNING COMMISSION

All regular meetings are held at the Township Hall, 3040 N. Prospect, at 7:30 p.m. on the fourth Wednesday of each month, except for the November and December meeting which will be held on the third Wednesday of the month.

Wednesday, January 22, 2014	Wednesday, July 23, 2014
Wednesday, February 26, 2014	Wednesday, August 27, 2014
Wednesday, March 26, 2014	Wednesday, September 24, 2014
Wednesday, April 23, 2014	Wednesday, October 22, 2014
Wednesday, May 28, 2014	Wednesday, November 19, 2014
Wednesday, June 25, 2014	Wednesday, December 17, 2014

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 25**

The motion carried by unanimous voice vote.

J. ORDINANCE VIOLATIONS TO BE ADDED TO THE 2013 WINTER TAX ROLL

Treasurer McKinney explained that some additional parcels were added to the list of ordinance violations that were approved by the Board at the October 21, 2013 and requested that the Board approve the amended list.

The Board received the Ordinance Violation and Grass Cutting levies for 2013 and approved placing them on the Winter 2013 tax bill.

It was moved by Williams, seconded by Lewis, for the Board to approve the Ordinance Violation and Grass Cutting levies for 2013 and to approve placing them on the Winter 2013 tax bill.

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

Nays: None

Absent: None

The motion carried

11. PAYMENT OF BILLS

It was moved by Caviston, seconded by Lewis, that the bills be paid as submitted in the following amounts: General - \$2,862.50; Legal Defense- \$1,860.00; Utilities- \$14,571.23 for a total of \$19,293.73. Further, that the Record of Disbursements be received.

The motion carried by a unanimous voice vote.

12. PLEAS AND PETITION

Trustee Williams reported that the Countywide Clean- Up held on October 26, 2013, had the highest level of participation of any previous clean-up event.

13. ADJOURNMENT

It was moved by Caviston, seconded by Lewis, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 8:50 p.m.

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 18, 2013
ADOPTED MINUTES
PAGE 26**

Respectfully submitted,

David Phillips, Clerk

Kenneth Schwartz, Supervisor