

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 1**

**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 September 20, 2010, 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, Lisa Lewis and Alex Williams. Roderick Green was absent.

**4. ADOPTION OF AGENDA**

It was moved by McKinney, seconded by Lewis to adopt the agenda with the deletion of item (b.) Attorney James Fink, Affidavit of Property Owner, under Communications.

The motion carried by a voice vote.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF AUGUST 16, 2010**

It was moved by Caviston, seconded by McKinney, to approve the minutes of the regular Board meeting of August 16, 2010, as presented.

The motion carried by a voice vote.

**6. CITIZEN PARTICIPATION**

**A. RENEE SMITH, PRINCIPAL OF CHENEY ACADEMY, WILLOW RUN SCHOOLS**

Ms. Smith, Principal of Cheney Academy, thanked the Board for including the Willow Run School District as a sub-recipient of the Energy Efficiency Community Block Grant. They used the grant money, approximately \$15,700, to install occupancy sensors in the classrooms and hallways. Ms. Smith indicated that she expects to see a reduction in the electricity use. The sensors create a safer work environment, as staff members do not

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 2**

have to locate the light switch when entering a dark area. Students were very interested in the sensors. Teachers have been able to use the sensors as lessons for saving energy.

**B. MICHAEL FINNEY, ANN ARBOR SPARK**

Michael Finney of Ann Arbor Spark made a presentation about Spark East and the Incubator program in Ypsilanti. He said the Incubator program has been very successful. The program provides office space, technical support and financial support to start-up business with the goal of them becoming viable businesses that will hire area residents.

It was moved by McKinney, seconded by Lewis, to approve the annual payment to Spark for 2010 in the amount of \$1,000 and to also approve a payment of \$5,000 towards support of Spark's Incubator program for 2010 and an additional \$5,000 for 2011.

The motion carried by unanimous voice vote.

**C. SUPERIOR LAND PRESERVATION SOCIETY DONATION**

The Board received a letter from Sandi Lopez, Secretary of the Superior Land Preservation Society (SLPS), which indicated SLPS was donating \$8,000.00 to Superior Township to cover the costs of having the Legacy Land Trust monitor the conservation easement, which the Township holds on 40 acres on the northwest corner of Prospect and Geddes Roads. Ms. Lopez and other members of the SLPS were present. The Board thanked them for the generous donation.

It was moved by McKinney, seconded by Williams, to receive the \$8,000.00 donation from the Superior Land Preservation Society to cover the cost of monitoring the conservation easement the Township holds on the 40 acres located at the northwest corner of Prospect and Geddes Roads.

The motion carried by unanimous voice vote.

**D. OTHER CITIZENS COMMENTS**

No citizens addressed the Board

7. **REPORTS**

**A. SUPERVISOR REPORT**

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 3**

Supervisor McFarlane reported on the following: At the July 19, 2010 Board meeting, the Board of Trustees approved the Township to refinance the YCUA 2000 Sanitary Sewer System No. 2 Bond Proposal. The sale of the refinanced bonds was recently completed. The Township's bond rating was improved from AA- to AA, the interest rate on the bonds decreased from 5% to 2.68% and the Township paid an additional \$1,000,000 to the principal. It is estimated that these actions will result in the Utility Department saving \$708,000 over the next ten years on the cost of this bond. The Hickman Rd. culvert will be cleaned out by the Washtenaw County Road Commission at their cost. In late July, 2010, the Superior Party Store on MacArthur Blvd. was severely damaged by fire. The store has been identified as an ideal location to locate an expanded Superior Township library and Parks and Recreation community events building, which could also be used for election precincts. Members of the Ypsilanti District Library Board of Trustees and the Superior Township Parks Commission were present and commented on the need for a building at that location to serve the public. There have not been any repairs to the fire damaged building and it has become blight upon the community.

A motion was made by McKinney, seconded by Caviston, for the Board to approve hiring the Hubbard law firm in Lansing, at a cost not to exceed \$1,000, to investigate the possibility of the Township acquiring the store property through eminent domain in order to address the public need for an expanded library and a Parks and Recreation community events building, as well as abate the blight of the building.

The motion carried by unanimous voice vote.

There will be a public hearing on the 2011 Budget at the next Board meeting of October 18, 2010.

**B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, FIRE MARSHAL, HOSPITAL FALSE ALARM, ORDINANCE OFFICER REPORT, SHERIFF'S REPORT, UTILITY DEPARTMENT AND ZONING REPORT**

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

The motion carried by a voice vote.

**C. FINANCIAL REPORTS, ALL FUNDS, EXCEPT THE UTILITY DEPARTMENT, PERIOD ENDING JUNE 30, 2010**

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 4**

It was moved by Caviston, seconded by McKinney, to accept the Financial Reports for all funds, except the Utilities Department for the period ending June 30, 2010.

The motion carried by voice vote.

**8. COMMUNICATIONS**

**A. ROBERT HEYL, SALEM TOWNSHIP SUPERVISOR, EXTENSION OF SEWER LINES**

In a letter addressed to Supervisor McFarlane, Robert Heyl, Supervisor of Salem Township, inquired if Superior Township had interest in the feasibility of servicing Salem Township's Urban Services District with Ypsilanti Community Utility Authority (YCUA) sewer service. This service would bring sewer service from the corner of Napier and Ann Arbor-Plymouth Road through Superior Township and tie into the YCUA Willow Run Interceptor. There was not support by the Board for this proposal. Board members expressed strong opposition to the proposal. It was suggested that such sewer service could be obtained through Plymouth and/or Canton Townships.

It was moved by Caviston, seconded by Lewis, to accept the communication from the Mr. Heyl, and to respond that there was no support to run such a sewer service line through Superior Township.

The motion carried by unanimous voice vote.

**B. ATTORNEY JAMES FINK, AFFIDAVIT OF PROPERTY OWNER**

This item was removed from the agenda during the adoption of the agenda.

**9. UNFINISHED BUSINESS**

**A. ORDINANCE NO. 179, AN ORDINANCE TO CONTROL THE HEIGHT OF TURF GRASS, FIRST READING, WHICH REPEALS AND REPLACES ORDINANCE NO. 24, AN ORDINANCE TO CONTROL THE HEIGHT OF VEGETATION**

The Board completed the first reading of the Ordinance on August 16, 2010. Clerk

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 5**

Phillips explained that several changes were made to the first reading of the Ordinance. In Section 179.03, a requirement was added that in addition to the mailed violation notice, a notice shall also be posted on or near the front door. The posted notice would allow the Township to correct the violation in instances where the Township was unable to notify the owner via the mailed notice. Also added was the requirement that if the property owner fails to correct the violation after any notice has been given, the Township may enter the property throughout the growing season as necessary to correct further violations.

It was moved by Phillips, seconded by Caviston, to approve the second reading and adoption of Ordinance No. 180, An Ordinance to Control the Height of Turf Grass, Which Repeals and Replaces Ordinance No. 24, An Ordinance to Control the Height of Vegetation.

**CHARTER TOWNSHIP OF SUPERIOR  
WASHTENAW COUNTY, MICHIGAN  
ORDINANCE NO. 179**

**AN ORDINANCE TO CONTROL THE HEIGHT OF TURF GRASS, WEEDS  
AND BRUSH WHICH REPEALS AND REPLACES ORDINANCE NO. 24 AN  
ORDINANCE TO CONTROL THE HEIGHT OF VEGETATION**

**THE CHARTER TOWNSHIP OF SUPERIOR ORDAINS:**

**Section 179.01 Purpose**

- A. In order to preserve the public health, safety and welfare of the residents of Superior Township, the Superior Township Board determines that the existence of turf grass, weeds and brush more than ten (10) inches in height constitutes a nuisance in areas where there are residences because it is unsightly and its unkempt condition may attract litter and vermin.
- B. Nothing in this Ordinance shall apply to:
  - 1. Agricultural crops
  - 2. Trees
  - 3. Shrubs
  - 4. Flowers and ornamental plants under cultivation
  - 5. Wildflowers, but only until such time as seeds have matured following the final blooming of the majority of the plants.
  - 6. Vegetation in woodlands or wetlands.

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 6**

- C. This Ordinance will be in force during the annual growing season defined as between May 1 and October 1 annually.

**Section 179.02 Limitations on Height of Turf Grass, Weeds and Brush**

- A. It shall be the duty of the owner, agent or occupant of any property used for a residence, to mow all turf grass, weeds, and brush on the property as often as may be necessary to comply with the provisions of this Ordinance according to the following standards:
1. All lots and parcels one (1) acre or less in size and developed with a residence, shall have all turf grass, weeds and brush in all yards, maintained at a height of less than ten (10) inches.
  2. All lots and parcels greater than one (1) acre in size and developed with a residence, shall maintain a minimum mowed yard area thirty (30) feet wide along all sides of the residence. This mowed yard area shall be maintained at a height of less than ten (10) inches. A mowed yard area of ten (10) feet wide shall also be maintained around all accessory buildings on the property.
  3. Any undeveloped lot or parcel of any size that is part of a residential development with an approved site plan where at least 60% of the residential structures are built shall have all turf grass, weeds and brush over the entire lot maintained at a height of less than ten (10) inches.
  4. Any undeveloped lot or parcel of any size that is part of a residential development with an approved site plan where less than 60% of the residential structures are built shall maintain a minimum mowed yard area of 25 feet from all streets.

**Section 179.03 Enforcement**

- A. Notice of Violation. If a property owner violates or refuses to comply with Section 179.02 the Township Ordinance Officer shall notify the property owner of the violation. The notice shall include the requirements of this Ordinance and provide ten (10) days to comply with its provisions. The notice shall be sent by first class mail to the owner of record of said property and shall also be posted on or near the front door of each dwelling on the property to which the violation relates, or on or near the front door of the principal building on the property to which the violation relates if there is no dwelling. If, during one growing season, the property owner fails to correct a violation after notice has been given as provided, the Township may enter the property throughout the growing season as

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 7**

necessary to correct further violations without further notice to the owner and may assess the costs thereof as provided in this section.

- B. Noncompliance. All properties not in compliance with this Ordinance after the ten (10) day period provided in Section 179.03(A) above, shall be mowed by the Township and charges billed to the owner of record. Any additional work required to mow the property such as litter removal, will also be charged as provided. An administration fee will also be charged.
- C. Appeal of costs imposed. Within 15 days of the date the statement of costs is mailed to the owner of record, the owner may appeal the reasonableness of the charges by filing a written statement with the Township Board stating why the charges are unreasonable. If the Township Board finds the charges unreasonable, it shall assess the costs as it deems reasonable. The administrative fee shall not be appealable.
- D. Property Lien. All charges which remain unpaid as of November 1, of the current year shall become a lien against the subject property and may be added to the tax rolls for the property.
- E. Penalty for Violation. Any person, corporation, or other legal entity, including an officer, director, or employee, who violates any provision of this Ordinance, or who shall fail to do what is required by the terms of the Ordinance, may be responsible for a municipal civil infraction and may pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL §600.8701 et. seq., as amended.

**Section 179.04 Effective Date** This Ordinance shall be published pursuant to Section 8 of the Charter Township Act, being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – [www.superior-twp.org](http://www.superior-twp.org) – with notice of such in *The Ypsilanti Courier*, a newspaper of general circulation in the Township, qualified under state law to publish legal notices, and the same shall be recorded in the Ordinance Book of the Township, and such recording authenticated by the signatures of the Supervisor and Clerk. Per MCL 42.22, said Ordinance shall be effective immediately upon publication thereof.

Roll call vote:

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

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 8**

Nays: None

Absent: Green

The Ordinance was adopted.

**B. ORDINANCE NO. 180, AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF SUPERIOR CHARTER TOWNSHIP, WASHTENAW COUNTY, AND TO DISIGNATE FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED, FIRST READING**

In order for residents to purchase flood insurance, the Township is required to adopt a Resolution of Intent, a Resolution to Manage Floodplain Development and the Ordinance to Designate an Enforcing Agency. At their regularly scheduled meeting of August 16, 2010, the Board approved the first reading of Ordinance No. 180. Clerk Phillips indicated there were no changes to the Ordinance from first reading. Clerk Phillips stated he will forward all of the required documents to the MDNRE. The MDNRE informed him that it will take approximately 30-90 days from the time they receive all of the completed documents for the Township to become a participant in the National Flood Insurance Program.

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY MICHIGAN**

**ORDINANCE NO. 180**

**AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF SUPERIOR CHARTER TOWNSHIP, WASHTENAW COUNTY, AND TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED**

**THE CHARTER TOWNSHIP OF SUPERIOR ORDAINS:**

**SECTION 1. Agency Designated.** Pursuant to the provisions of the Michigan Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of Superior Charter Township is hereby designated as the enforcing agency to discharge the responsibility of Superior Charter



**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 9**

Township under Act 230, of the Public Acts of 1972, as amended, State of Michigan. Superior Charter Township assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the Township.

**SECTION 2. Code Appendix Enforced.** Pursuant to the provisions of the Michigan Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within Superior Charter Township.

**SECTION 3. Designation of Regulated Flood Prone Hazard Areas.** The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Washtenaw County, Michigan and dated July 27, 2007 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers of 26161C; 0260E, 0266E, 0267E, 0268E, 0269E, 0280E, 0281E, and 0288E, and dated July 27, 2007 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

**SECTION 4. Repeals.** All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 5. Publication.** This Ordinance shall be published pursuant to Section 8 of the Charter Township Act, being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – [www.superior-twp.org](http://www.superior-twp.org) – with notice of such in *The Ypsilanti Courier*, a newspaper of general circulation in the Township, qualified under state law to publish legal notices, and the same shall be recorded in the Ordinance Book of the Township, and such recording authenticated by the signatures of the Supervisor and Clerk. Per MCL 42.22, said Ordinance shall be effective immediately upon publication thereof.

It was moved by Caviston, seconded by McKinney, to approve the Ordinance for second reading and adoption.

Roll call vote:

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

Nays: None

Absent: Green

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 10**

The Ordinance was adopted.

**C. RESOLUTION TO IMPOSE A TEMPORARY MORATORIUM UPON THE  
ISSUANCE OF PERMITS, LICENSES AND APPROVALS FOR THE  
PRODUCTION OF MEDICAL MARIJUANA**

The Board approved the first reading of the resolution at the August 16, 2010 Board meeting. Clerk Phillips said that other than minor typographical corrections, there were no changes to the resolution.

The following resolution was moved by McKinney, seconded by Caviston for second reading and adoption:

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
SEPTEMBER 20, 2010**

**A RESOLUTION TO IMPOSE A TEMPORARY MORATORIUM UPON THE  
ISSUANCE OF PERMITS, LICENSES AND APPROVALS FOR THE  
PRODUCTION FOR COMPENSATION, SALE OR DISPENSATION OF  
MEDICAL MARIHUANA**

**WHEREAS**, the production for compensation, sale or dispensation of medical marihuana was not envisioned when the current ordinances and amendments were adopted; and other than the general regulations relating to commercial and production activities, the growth and sale of medical marihuana is not regulated; and,

**WHEREAS**, Superior Charter Township desires to ascertain the best and safest path to compliance with the Michigan Medical Marihuana Act, PA 2008, MCLA 333.26421 *et seq.* in order to protect the public health, safety, and welfare.

**NOW THEREFORE, BE IT RESOLVED** that a moratorium is imposed upon the issuance of any and all permits, licenses and approvals for the production for compensation, sale or dispensation of medical marihuana for twelve (12) months or until an amendment of all applicable codes, whichever occurs first.

**BE IT FURTHER RESOLVED** that this moratorium does not restrict or otherwise ban the lawful use of medical marihuana, as provided in the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26421 *e. seq.*

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 11**

Roll call vote:

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

Nays: None

Absent: Green

The Resolution was adopted.

10.

**NEW BUSINESS**

**A. WASHTENAW COUNTY POLICE SERVICES CONTRACT 2011**

Supervisor McFarlane explained that Washtenaw County has offered a second amendment to the Washtenaw County Police Services Contract with Superior Township. The contract originally covered January 1, 2006 to December 31, 2009. This amendment would cover December 31, 2010 through December 31, 2011, and would include a 4% increase over the current contract. Supervisor McFarlane explained that this increase would result in a cost of approximately \$151,000.00 for one officer (PSU). This cost includes the cost of sergeants, lieutenants, vehicles and all other related costs. It does not include the cost of overtime. Supervisor McFarlane indicated that the Police Steering Committee is close to completing their report on determining the true cost of a PSU.

It was moved by McKinney, seconded by Lewis, for the Board to approve the Second Amendment to the Washtenaw County Police Services Contract with Superior Township and to authorize the Supervisor to sign the Amendment.

Roll call vote:

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

Nays: None



**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 13**



**WASHTENAW COUNTY  
ENVIRONMENTAL HEALTH DIVISION  
PUBLIC HEALTH DEPARTMENT**

LETTER OF UNDERSTANDING BETWEEN  
WASHTENAW COUNTY SOLID WASTE PROGRAM

AND

SUPERIOR TOWNSHIP

WASHTENAW COUNTY Special Collection Recycling Event

Washtenaw County, a Michigan municipal corporation, having its offices at 705 N. Zeeb Rd, Ann Arbor, Michigan, 48107 and Superior Township, a Michigan Township, located in Washtenaw County, agree as follows:

The County agrees to provide a single collection recycling service event on Saturday, October 16, 2010 from 9:00 AM. to 2:00 PM. to the citizens of Washtenaw County at the Eastern Michigan University Rynearson Football Stadium parking lot located at: 799 N. Hewitt Rd., Ypsilanti, MI, Michigan under the following conditions:

**I. SERVICES OF THE COUNTY**

The County agrees to pay for the disposal of materials that are collected by the contractor; minus any event sponsorship and / or donations that Washtenaw County receives that are directly related to this event.

The County agrees to oversee related activities before, during and after this event, as it pertains to any subcontractor activities.

The County agrees to provide support for those identified by this document including assistance with scheduling, publicity and organizational support.

The County agrees to provide education and hands-on training to all volunteers attending this event.

The County agrees to house any and all event data and statistics pertaining to this event which can and will be shared with all parties whenever possible.

**II. RESPONSIBILITIES OF SUPERIOR TOWNSHIP**

Superior Township agrees to provide volunteers in support of this event as necessary.

Superior Township agrees to sponsor this event through a onetime fixed: \$2,000.00 payment to Washtenaw County to help further sustain recycling events in Washtenaw County.

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 14**

**III. DURATION**

This agreement shall become effective on October 16, 2010 and shall remain in effect through October 17, 2010.

**IV. OWNERSHIP OF DOCUMENTS**

Upon completion or termination of this agreement, all written documents provided by the County become the property of Superior Township for use exclusively with said party's approval. Superior Township agrees to recognize the County as the author of all materials. Superior Township agrees to give the County access to any materials created for this event, in addition to data on the event outcomes, for use in future publicity.

**V. AMENDMENTS**

Any amendments to this agreement must be made in writing and signed by all parties.

<b>FOR THE COUNTY</b>	<b>FOR SUPERIOR TOWNSHIP</b>
_____ County Program Representative	_____ Superior Township Supervisor

The motion carried by a unanimous voice vote.

**C. LEGACY LAND CONSERVANCY MONITORING OF EASEMENT PROPOSAL**

Legacy Land Conservancy presented a proposal to monitor the conservation easement that the Township holds on the 40 acres located at the northwest corner of Prospect and Geddes Roads. They are proposing a onetime fee of \$7,000 for this service. The Superior Land Preservation Society donated \$8,000 for the monitoring of the conservation easement. There was support by the Board to approve the proposal, but to increase the onetime fee to \$8,000.

It was moved by Caviston, seconded by Williams, that the Board approve the following Proposal with Legacy Land Conservancy and to authorize the Supervisor to sign the proposal.



**PROPOSAL  
TO PROVIDE STEWARDSHIP ENDOWMENT FOR A CONSERVATION  
EASEMENT HELD BY SUPERIOR TOWNSHIP, WASHTENAW COUNTY  
KNOWN AS HUMMANA, LLC AND NYR82, LLC**

**GENERAL QUALIFICATIONS:** The Legacy Land Conservancy is a 501 (c)(3) organization. Founded in 1971 as the Washtenaw Land Conservancy, it is the oldest local land trust in Michigan. In 2008, it became one of the first land trusts in the nation to achieve accreditation from the Land Trust Alliance Accreditation Commission, a third-party accrediting body that assesses the highest level of adherence to Land Trust Alliance standards and practices.

Legacy is staffed by 3.7 FTE's, including a half time stewardship coordinator, who is responsible for appropriate annual monitoring of each of the Conservancy's easements. A copy of the 2008/09 Annual Audit and 2008/09 990 Forms is available upon request.

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 16**

Legacy Land Conservancy monitors 57 conservation easements annually. In general, Legacy will utilize its easement monitoring program, which has been accepted as part of Land Trust Alliance Accreditation, and which emphasizes landowner communications, ongoing documentation and a confirmed willingness to resolve disputes in a timely manner, with a focus on protection of the elements identified under the terms of the conservation easement

**TERMS AND CONDITIONS:**

- **Annual Monitoring:** In accordance with the Standards and Practices of the Land Trust Alliance as they may be amended from time-to-time, Legacy Land Conservancy will provide annual monitoring of the above referenced easement, executed on February 18, 2010. Copies of the Annual Monitoring Form will be completed following the monitoring, and provided to the Township and the landowner. This is consistent with Legacy's existing monitoring policies on the easements which they hold in which other entities have an interest.

Annual monitoring shall include written notification to the landowner, physical inspection of the property at a time amenable to the landowner, a written report of the monitoring visit, annual confirmation of the status of the photo points in the baseline documentation with electronic photographs. All information including the photographic record will be physically held at the Legacy Land Conservancy, and stored electronically offsite, with at least one independent backup site. At present, Legacy Land Conservancy contracts with Nonprofit Enterprise at Work (NEW) to provide off site backup at two locations outside the Ann Arbor area. Two hard copies of all easements and annual monitoring records are also housed in secure locations in the Conservancy's Ann Arbor office.

- **Easement Enforcement:** Legacy Land Conservancy will assist in the enforcement of the terms of the easement, working with the landowner to address any deficiencies identified at the time of the Annual Monitoring, *or any other time throughout the year*. **Legacy Land Conservancy cannot act independently to enforce the easement, but will work with Superior Township and its attorneys to resolve any issues that may arise.**

In the event a violation is identified, Legacy will first attempt to address the issue directly with the landowner. Should such efforts fail, Legacy will follow the enforcement procedures outlined in the Conservation Easement, including the right to compel restoration. Such efforts shall be carried out with the assistance of Superior Township, which will provide and/or obtain legal support as required.



**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 17**

Land Trust Alliance is currently developing a nationwide conservation defense insurance pool. Legacy Land Conservancy will make every attempt to include this easement as part of its participation in this pool, which provides litigation support to the defense of conservation easements.

- **Approvals and Notice:** Superior Township shall provide Legacy Land Conservancy with all correspondence between the Grantor and the Grantee as required under the above referenced easement. Where Grantee approval is required, Legacy may advise the Township as to current best practice, but the Township shall make the final decision on all approvals.
- **Baseline Documentation:** Prior to commencement of its responsibilities under this Agreement, Legacy Land Conservancy shall be provided with a full executed copy of an acceptable Baseline Document meeting the requirements of the Internal Revenue Code. This Document shall include an acknowledgement by the owner of the property at the time it was put into conservation agreement.
- **Budget:** Legacy Land Conservancy recognizes Superior Township's interest in establishing a long term relationship that ensures its obligations to this program are met, while not placing an undue burden on the township. This budget reflects Legacy Land Conservancy's attempt to address that interest. By depositing funds in Legacy Land Conservancy's permanent accounts, revenue will be generated annually. Legacy Land Conservancy will assume the monitoring responsibilities for the above referenced property for a **one-time fee of \$8,000** (eight thousand dollars) which will be deposited in the organization's Forever Fund, a quasi-endowment designed to provide funding for annual monitoring and, with a repayment program, be available for extraordinary enforcement actions. The Forever Fund is currently held at JP Morgan – Chase in Ann Arbor, and is conservatively invested.
- **Termination:** This Agreement shall remain in effect for perpetuity, unless the easement is terminated or this Agreement is terminated by either party. Either party may terminate this agreement upon ninety (90) days written notice. At the time of termination, the Township shall reimburse Legacy for any outstanding expenses attributable to work undertaken within the previous six months, and Legacy shall return the \$8,000 endowment in full.

ACCEPTED:

---

SUPERIOR TOWNSHIP

---

LEGACY LAND CONSERVANCY

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 18**

---

DATE

---

DATE

Roll call vote:

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

Nays: None

Absent: Green

The motion carried.

**D. SET TOWNSHIP MILLAGES FOR 2011**

In a memo addressed to the Board, Supervisor McFarlane presented the proposed millage for 2011.

	2010 millage	2011 millage
General Fund Millage	.8192	proposed .8192
Fire Fund Millage	2.90 (allocated 3.0)	proposed 2.85
Law Fund Millage	2.15 (allocated 2.25)	proposed 2.14

Supervisor McFarlane said there are adequate reserves for all funds and that the proposed millage, which includes slight decreases for the Fire and Law Funds, will allow for the same level of services. He indicated that Superior Township is one of only two Townships that does not collect the 1% tax administration fee.

It was moved by McKinney, seconded by Lewis, to set the millage for 2011 as recommended by Supervisor McFarlane's memo dated August 31, 2010, as follows: General Fund- .8192 mills; Fire Fund- 2.85 mills; Law Fund- 2.14 mills.

Roll call vote:

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

Nays: None

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 19**

Absent: Green

The motion carried.

**E. SCHEDULE PUBLIC HEARING FOR 2011 BUDGET-ALL FUNDS**

The Board is required to hold a public hearing on the proposed 2011 budgets for all funds.

It was moved by McKinney, seconded by Caviston that the Board schedule a public hearing for the 2011 budgets for all funds for the October 18, 2010 regular board meeting.

The motion carried by a unanimous voice vote.

**F. STREETLIGHT ASSESSMENTS**

Susan Mumm, Accountant, presented a memo to the Board which explained that an error had been made in the 2009 Streetlight Assessment that resulted in some of the streetlight districts under paying. The following street light districts were undercharged in the 2009 assessment:

Bromley 1	assessed \$10.72 per parcel	should have been \$19.82
Bromley 2	assessed \$8.62 per parcel	should have been \$15.93
Brookside Phase 3	assessed \$5.45 per parcel	should have been \$10.08
Prospect Pointe 1	assessed \$20.35 per parcel	should have been \$37.62
Prospect Pointe 2	assessed \$19.23 per parcel	should have been \$35.54

Accountant Mumm recommended that each streetlight district pay their respective shortage from the 2009 assessment and that the Treasurer add the above shortages from the 2009 assessment to the 2010 Streetlight assessments. The total amount of the Streetlight Assessment for 2010 is \$91,565.47

It was moved by Caviston, seconded by McKinney, to approve spreading the 2009 Streetlight Assessment shortage as indicated by Accountant Mumm's 9/20/2010 Memo to the 2010 Streetlight Assessment, and to approve the total Streetlight Assessment for 2010 in the amount of \$91,565.47.

The motion carried by unanimous voice vote.

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTEMBER 20, 2010  
ADOPTED MINUTES  
PAGE 20**

**11. PAYMENT OF BILLS**

It was moved by Caviston, seconded by Lewis, that the bills be paid as submitted in the following amounts: General - \$7,069.00, Utilities- \$4,881.28 for a total of \$11,950.28. Further, that the Record of Disbursements be received.

The motion carried by a unanimous voice vote.

**12. PLEAS AND PETITIONS**

There were none.

**13. ADJOURNMENT**

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

Respectfully submitted,

David Phillips, Clerk

William McFarlane, Supervisor