

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
FEBRUARY 6, 2006  
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 February 6, 2006, 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, Kay Williams, Nancy Caviston, Rodrick Green (late), Lisa Lewis, and David Phillips. Brenda McKinney was ill.

**4. ADOPTION OF AGENDA**

It was moved by Williams, supported by Caviston, to adopt the agenda as amended.

The motion carried.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF JANUARY 17, 2006**

It was moved by Caviston, supported by Lewis, to approve the minutes of the regular Board meeting of January 17, 2006, as presented.

The motion carried.

**6. CITIZEN PARTICIPATION**

Ellen Kurath, 2203 Hickman, summarized road improvement issues for the Board. It currently costs approximately \$37,000.00 per mile to put limestone on non-paved roads, but the limestone lasts longer than gravel. She has requested more grading time on the roads from the Road Commission to make the limestone last even longer, but the Road Commission feels the cost of a grader is prohibitive. Kurath says the paved subdivision streets would last longer if sealants were used every five years at a cost of approximately \$50,000.00 per year.

Kurath was also concerned about development rights and the Ann Arbor Greenbelt program. She wants as much land as possible preserved as it is cheaper for the taxpayers.

**7. REPORTS**

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**A. SUPERVISOR**

The Supervisor reported on six items:

1. In answer to Kurath's concern, William Fishbeck has land in the Ann Arbor Greenbelt program, and the Planning Commission has a subcommittee consisting of Copley and Guenther to prepare the wording of the amendment to the Growth Management Plan pertaining to Agriculture Preservation for the Purchase of Development Rights from the Federal Government.
2. Rock Estates is appealing the MDEQ denial of their petition for an on-site sewage disposal plant. The appeal will be heard by an administrative law judge. McFarlane asked for authorization to have the Township Attorney file a motion to intervene and to request a copy of the appeal under the Freedom of Information Act. A discussion followed concerning the amount to be allocated for these expenses and other expenses for possible consultants to fight the appeal.

It was moved by Caviston, supported by Lewis, that the Board approve an amount not to exceed \$30,000.00 without prior Board approval authorizing attorney and consultant fees to intervene in the motion filed by Rock Estate appealing the denial of the MDEQ on-site sewage permit.

The motion carried.

3. The Administrative Staff has been working on an ordinance to regulate on-site sewage disposal systems. The draft is being finalized and will be sent to the Attorney this week. It should be ready for Board review in March.
4. The Planner, Donald Pennington, is working on the year-end report for the Planning Commission.
5. Two County Forums on police issues are being held; Phillips will be attending while McFarlane is on vacation. Command Officer structure and expenses is the last issue to be resolved for the 2008 and 2009 fiscal years.
6. A 10.8 acre parcel on First Street along the Huron River has been nominated for purchase through the Washtenaw County Natural Areas Preservation Program. The NAPP Ordinance stipulates that properties considered for purchase be reviewed by the local unit of government.

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It was moved by Caviston, supported by Williams, that the Superior Charter Township Board support the application by Terry Furst to place 10.8 acres on First Street along the Huron River in the Washtenaw County Natural Areas Preservation Program.

The motion carried.

**B. DEPARTMENT REPORTS: UTILITY DEPARTMENT,  
PLANNING COMMISSION COORDINATOR, OHM  
MONTHLY, ORDINANCE OFFICER, FIRE DEPARTMENT,**

It was moved by Williams, supported by Caviston, that the Utility Department Report dated February 2, 2006, the Planning Commission Coordinator Report dated January 30, 2006, the OHM Monthly Report dated February 1, 2006, the Ordinance Officer Report for December 2005-January 2006, and the Fire Department Report for January, 2006, be received.

The motion carried.

Rodrick Green arrived at this time.

**8. COMMUNICATIONS**

**A. SOUTHEAST MICHIGAN LAND CONSERVANCY – DEED  
RESTRICTIONS**

In response to the request of the Superior Charter Township Board the Southeast Michigan Land Conservancy has itemized seven documents that are recorded with the Washtenaw County Register of Deeds which place permanent restrictions upon the LeFurge Woods Nature Preserve. The Conservancy has also amended their by-laws to be consistent with current state laws.

Phillips said that it showed that the Conservancy was making progress in meeting the Board's request for permanent easements on the land. Sandi Lopez said that she would make sure that all of the easements were in place for all the rest of the Conservancy land.

It was moved by Williams, supported by Caviston, that the letter from Jack R. Smiley, President of the Southeast Michigan Land Conservancy detailing the seven conservation easements placed on LeFurge Woods Nature Preserve be received.

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The motion carried.

**B. CHIEF GARVIN SMITH – FIRE DEPARTMENT GOALS**

Fire Chief Garvin Smith, who was present at the meeting, submitted the Fire Department 2005 Goal Report which described how the department had met the goals for the year including moving into the new Fire Station at Ford and Prospect, training, planning, procedures, and purchasing a new utility vehicle. In addition, he submitted the 2006 Fire Department Goals.

It was moved by Caviston, supported by Phillips, that the Fire Department Goal Report be received and the Chief commended for doing an excellent job.

The motion carried.

**C. KEITH LOCKIE – RESOLUTION TO CONFIRM USE OF OLD TOWNSHIP HALL FOR SUMMER LEARNING CAMP**

At the regular meeting of the Superior Charter Township Park Commission on January 23, the Park Commission adopted the following Resolution:

**SUPERIOR CHARTER TOWNSHIP PARKS COMMISSION  
SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**JANUARY 23, 2006**

**A RESOLUTION TO CONFIRM THE USE OF THE OLD TOWNSHIP HALL FOR  
SUMMER DAY CAMP**

WHEREAS the General Fund renovates the Old Township Hall (which includes new doors, new floor coverings and interior painting) before the start of the 2006 Summer Day Camp,

THEREFORE, BE IT RESOLVED, that the Superior Charter Township Parks Commission confirm the use of the Old Township Hall for its 2006 Summer Day Camp after all renovations are completed.

It was moved by Williams, supported by Caviston, that the Resolution from the Park Commission be received.

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The motion carried.

**D. COMCAST – PRICE CHANGE NOTIFICATION**

Comcast cable service has informed the Board that they have instituted price increases for their cable television services but not for high-speed internet or phone service.

It was moved by Williams, supported by Caviston, that the letter from Comcast concerning the increase in cable television fees be received.

The motion carried.

**E. SUPERVISOR – UTILITY STUDY**

The preliminary report of the Eyde Property Utility Capacity Study dated January 20, 2006, was reviewed by the Administrative Staff and forwarded to Biltmore, who is “reviewing this material in detail and considering the best course of action moving forward”. In the meantime Biltmore has asked the Township to postpone scheduling of the Public Hearing for the Amendments to the Growth Management Plan related to the development of the property. The preliminary report indicated that the Township’s sewer pipes lack the capacity for the Biltmore Project (Regency Woods) without major improvements to the system. Phillips noted that Biltmore had previously waived the 180-day review period requirement in the Zoning Ordinance. The Supervisor requested that all investigations and studies be postponed until Biltmore provides written documentation of their intentions.

It was moved by Williams, supported by Green, that the letters regarding the preliminary report of the Eyde Property Utility Capacity Study dated January 20, 2006, be received.

The motion carried.

**F. NEXTEL – PROPOSAL TO LOCATE A TOWER AT THE TOWNSHIP HALL**

Nextel Wireless proposed to place a 160 foot, self-supporting, unlit cellular monopole tower together with an unmanned 12 x 20 foot equipment shelter within a 100 x 100 foot fenced, landscaped area on the hill behind the Township Hall. They offered a 30 year lease beginning at \$1,000.00 per month, increased annually by 3%. Nextel had originally gone to the Planning Commission for a conditional use to place the tower

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on the Meyer's property at 7485 Cherry Hill, but that property is 1.4 miles away from another tower and Township Ordinance requires a 2 mile separation between towers. The Planning Commission tabled the request at their January 25 meeting.

Mark Morris from Nextel was present at the meeting and said that Nextel had examined other sites after learning of the two-mile separation requirement. The new Fire Station was not feasible for their needs, but the Township Hall site would work.

McFarlane said that the Township needed the Nextel tower as there was a "dead zone" in the area. He was sorry that Nextel had not reviewed the Ordinance regarding the two-mile limit before contacting the Meyers.

It was moved by Caviston, supported by Green, that the Superior Charter Township Board receive the communication from Nextel and recommend that Nextel return to the Planning Commission for resolution of the Meyer petition.

The motion carried.

**G. AATA- A-RIDE RIDERSHIP REPORT**

During the month of October, 2005, twelve Superior Charter Township residents received 120 A-Ride door-to-door services for persons with disabilities or senior citizens. Eleven residents received service 144 times in November, and twelve residents received service 114 times in December.

It was moved by Caviston, supported by Green, that the AATA A-Ride Report for October, November, and December, 2005, be received.

The motion carried.

**9. UNFINISHED BUSINESS**

There was none.

**10. NEW BUSINESS**

**A. APPOINTMENTS TO PLANNING COMMISSION**

Supervisor McFarlane recommended the reappointment of Terrence Quinn

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and Deborah Wardell to the Planning Commission as they were both appointed last spring to complete unexpired terms and are serving the Township well.

It was moved by Caviston, supported by Green, that the Superior Charter Township Board appoint Terrence Quinn, 8495 Berkshire, and Deborah Wardell, 1662 Harvest Lane, to the Superior Charter Township Planning Commission for three-year terms ending February 28, 2009.

The motion carried.

**B. FRONT OFFICE/BUILDING DEPARTMENT SECRETARY**

At the September 19th, 2005 meeting, the Township Board authorized the employment of (employee name deleted per the policy of the Superior Charter Township Board) to fill the vacant Inter-Departmental Administrative Assistant position. It was made clear to all candidates that the position included Building Department and Receptionist duties; however, the primary purpose was to prepare and train the successful candidate to assume the position of Building Department Administrative Assistant upon the retirement of Gloria Similo.

Unfortunately, it has become clear that (employee name deleted per the policy of the Superior Charter Township Board) would not be effective as the Building Department Administrative Assistant due to issues related to attendance, initiative, attitude and maturity. (employee name deleted per the policy of the Superior Charter Township Board) was given a fair trial period, but the Building Official, Rick Mayernik, does not believe it is in the best interest of the Township, or (employee name deleted per the policy of the Superior Charter Township Board) to continue her employment with full knowledge that she is not well suited to fill the future Building Department vacancy.

On January 18, 2006, Bill McFarlane, Brenda McKinney and Rick Mayernik informed (employee name deleted per the policy of the Superior Charter Township Board) of their intention to request that the Board terminate her employment and that she was suspended, without pay, effective immediately, and pending Board action.

In August/September 2005, the Township advertised and interviewed candidates for the vacant Inter-Departmental Administrative Assistant position and three candidates were found to be suitable for the position. The remaining two candidates were contacted to be re-interviewed for the

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position. One candidate agreed to be re-interviewed for the position. Ms. Miley was re-interviewed on January 23, 2006 by a committee consisting of Bill McFarlane, Brenda McKinney, Susan Mumm and Rick Mayernik.

It is the recommendation of the committee that the Board authorize the hiring of Maria Miley to fill the vacant Inter-Departmental Administrative Assistant position.

It was moved by Caviston, supported by Williams, that the Superior Charter Township Board concur with the recommendation of the Building Official and terminate the employment of (employee name deleted per the policy of the Superior Charter Township Board) as Inter-Departmental Administrative Assistant effective January 18, 2006, and hire Maria Miley for the position at \$14.16 per hour.

The motion carried.

**C. RESOLUTION – BOARD AUTHORITY TO APPROVE ALL AMENDMENTS TO THE GROWTH MANAGEMENT PLAN**

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board adopt the following resolution:

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

**FEBRUARY 6, 2006**

**A RESOLUTION TO GIVE THE SUPERIOR CHARTER TOWNSHIP BOARD THE AUTHORITY TO ADOPT ANY AND ALL AMENDMENTS TO THE SUPERIOR CHARTER TOWNSHIP GROWTH MANAGEMENT PLAN**

**WHEREAS** the Superior Charter Township Board of Trustees recognizes the importance of sound land use planning for the future of the community, and

**WHEREAS** the Board recognizes that the practice of sound land use planning requires a foundation of policies as provided in the Township's Growth Management Plan as amended in 2004, and

**WHEREAS** the Township Planning Act, P.A. 168 of 1959 was amended (Act 263 of 2001) to provide township boards with the authority for the final approval and adoption of plans such as the Growth Management Plan,

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**NOW, THEREFORE, BE IT RESOLVED**, that the Superior Charter Township Board of Trustees supports the continued practice of sound land use planning and assumes the responsibility for the final approval and adoption of any and all future amendments to the Superior Charter Township Growth Management Plan in compliance with the procedures established by Public Act 263 of 2001.

Roll call vote:

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

Nays: None

Absent: McKinney

The motion carried.

Phillips noted that the Resolution makes the Board more accountable to the public.

**D. PFEFFER, HANNIFORD & PALKA CONTRACT FOR AUDIT**

Pfeffer, Hanniford & Palka submitted the contract for preparing the 2005 audit of all Township funds.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board authorize the Supervisor to sign the contract with Pfeffer, Hanniford & Palka for the 2005 audit of the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information which collectively comprise the Township's basic financial statements as of and for the year ended December 31, 2005, for a sum not to exceed \$19,000.00.

Roll call vote:

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

Nays: None

Absent: McKinney

The motion carried.

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**E. FIRE DEPARTMENT REQUEST TO PURCHASE NEW TANKER TRUCK**

The Fire Department requested permission to seek bids to replace the 1980 GMC/Pierce tanker. The Department would like to replace it with a tanker/engine that will be able to respond to a variety of incidents and will cost approximately \$400,000.00.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board authorize the Fire Department to seek bids for the replacement of the 1980 GMC/Pierce tanker truck with a tanker/engine truck.

The motion carried.

**F. REQUEST TO INCREASE THE FIRE MARSHALL'S HOURS**

The part-time position of Fire Marshal does not allow enough hours to review all the plans and still have time for inspections and code enforcement. The Fire Chief recommended that the hours be increased to a minimum of 20 hours per week and an annual wage of \$19,280.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board concur with the recommendation of the Fire Chief and increase the Fire Marshal hours to a minimum of 20 hours per week and an annual wage of \$19,280.

The motion carried unanimously.

**G. UTILITY DEPARTMENT SOFTWARE PURCHASE**

The Utility Department requested permission to purchase an additional copy of the full package of ArcGis ArcView 9.0 software for the Director's laptop to provide portable data accessibility to the GIS system. Utility Director Rick Church was present to answer questions.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board authorize the Utility Department to purchase an additional copy of the full package of ArcGis ArcView 9.0 software for the Director's laptop to provide portable data accessibility to the GIS system for a cost not to exceed \$1,200.00.

The motion carried unanimously.

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**H. SEWER RATE INCREASE FOR YCUA SERVICE.**

The Ypsilanti Community Utility Authority (YCUA) has increased the sewer rates and the Township must increase the charges to our customers.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board adopt the following Resolution:

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
February 6, 2006**

**AN AMENDMENT TO THE RESOLUTION ADOPTED  
FEBRUARY 27, 1996, TO DETERMINE RATES, FEES, AND CHARGES  
RELATED TO SEWER AND WATER SERVICES PROVIDED BY THE  
TOWNSHIP'S UTILITY DEPARTMENT**

At a regular meeting of the Township Board of Trustees of Superior Charter Township, Washtenaw County, Michigan, held at the Township Hall of said Township on the 6th of February, 2006, at 7:30 p.m. Eastern Standard Time, the following resolution was offered by Williams and supported by Caviston:

WHEREAS, this Board is authorized by statute and by the provisions of Township Ordinance No. 133 to determine by resolution rates, fees and charges for services and benefits by Township's sewer and water systems; and

WHEREAS, the Ypsilanti Community Utility Authority (YCUA) has increased the charge for sewer to Superior Charter Township by 1.42%, and

WHEREAS, the Superior Charter Township Utility Fund may not operate at a deficit, and

WHEREAS, this Board finds that the amended proposed schedule of fees is reasonable and necessary for the continuing operations of the Township Utility System and consistent with the past practices and policies of the Township;

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board does hereby determine that the fees for services and benefits furnished by the Township's sewer and water systems shall be amended as set forth in the attached Schedule A; and

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BE IT FURTHER RESOLVED that the Township Clerk shall cause a certified copy of this Resolution, together with the attached Schedule A, to be published in the Ypsilanti Courier within 30 days after the date of passage of this Resolution and the fees and charges set forth in Schedule A shall become effective on the day after such publication.

**CERTIFICATION**

I, Kay Williams, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Superior Charter Township Board held on February 6, 2006.

\_\_\_\_\_  
Kay Williams, Superior Township Clerk

\_\_\_\_\_  
Date Certified

**SCHEDULE A**

**AMENDMENT TO PARAGRAPH 1 SECTION A OF THE RESOLUTION ADOPTED FEBRUARY 27, 1996, SCHEDULE OF RATES AND FEES, AND CHARGES RELATED TO SEWER AND WATER SERVICES PROVIDED BY THE TOWNSHIP'S UTILITY DEPARTMENT.**

**1. Service Rates:**

A. Water, sewer and surcharge for wastewater treatment for Township customers served from the YCUA system through Ypsilanti Township.

Water	\$3.002 per 100 cubic feet
Minimum quarterly billing	\$30.02 (1000 cubic feet)

Sewer	\$2.095 per 100 cubic feet
Minimum quarterly billing	\$20.95 (1000 cubic feet)

Wastewater treatment	\$ .710 per 100 cubic feet
Minimum quarterly billing	\$ 7.10 (1000 cubic feet)

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NOTE: All sewer rates and surcharges are based on water usage, except to the extent of water metered through a separate "Water-only" meter.

Roll call vote:

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

Nays: None

Absent: McKinney

The motion carried.

**I. PROSPECT POINTE EXTENSION OF TENTATIVE  
PRELIMINARY PLAT APPROVAL**

The Township Board approved the Tentative Preliminary Plat for Prospect Pointe Subdivision in 2004 and extended it until January 4, 2006. However, because of the Utility Department's desire to explore sanitary sewer options for several proposed projects in the area, engineering approval for Prospect Pointe has not been granted through no fault of the developer for Prospect Pointe.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board extend the Tentative Preliminary Plat Approval for Prospect Pointe until January 4, 2007.

Roll call vote:

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

Nays: None

Absent: McKinney

The motion carried.

**J. PRINTING/MAILING ASSESSMENT CHANGE NOTICES**

It was moved by Williams, supported by Phillips, that the Superior Charter Township Board authorize the Supervisor to sign the contract with Print-Tech, Inc. to print and mail the 2006 Assessment notices including a notice for E-MAIL ALERT system from the Sheriff Department for a sum not to exceed \$3,381.00.

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Roll call vote:

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

Nays: None

Absent: McKinney

The motion carried.

**11. PAYMENT OF BILLS**

It was moved by Caviston, supported by Green, that the bills be paid in the following amounts: General Fund - \$2,740.00 and Utility Fund - \$3,160.00 for a total of \$5,900.00.

The motion carried.

**12. PLEAS AND PETITIONS**

There were none.

**13. ADJOURNMENT**

It was moved by Williams, supported by Lewis, that the meeting adjourn. The motion carried and the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Kay Williams, Clerk

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