

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
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 February 5, 2007, 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, Brenda McKinney, Rodrick Green, Lisa Lewis, and David Phillips. Nancy Caviston was on vacation.

**4. ADOPTION OF AGENDA**

It was moved by McKinney, supported by Green, to adopt the agenda as presented.

The motion carried.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF FEBRUARY 5, 2007**

It was moved by McKinney, supported by Lewis, to approve the minutes of the regular Board meeting of February 5, 2007, as presented.

The motion carried.

**6. CITIZEN PARTICIPATION**

**A. WASHTENAW COUNTY ROAD COMMISSION ANNUAL MEETING**

Road Commissioner David Rutledge, Managing Director Steven Puuri, Director of Engineering Roy Townsend, Director of Operations Ken Nixon and Foreman Eric Long were present to discuss the 2006 completed projects and the 2007 Local Road Program and proposed road projects in Superior Township. The matching program will generate \$39,248 which is \$1,415 more than in 2006. Proposed projects for 2007 amount to over \$600,000.00 so McFarlane, McKinney, and Ellen Kurath will tour the roads with Mr. Long and make a recommendation to the Board for 2007 projects.

**OTHER CITIZEN CONCERNS**

There were none.

**7. REPORTS**

**A. SUPERVISOR**

The Supervisor reported on eight items:

1. The Assistant Treasurer will be spending two days each week until July helping the receipting of water bills for the Utilities Department.
2. Treasurer McKinney has been elected Vice Chair of the 15<sup>th</sup> Congressional District Democratic Caucus.
3. In December the Utilities Department came to the Board for direction concerning 25 homes that had not had their meters changed to electronic readers. The Board authorized issuing shut-off notices, which was done. Now all homes in the Township have electronic readers and the Department was able to accomplish this without any shut-offs. They did work some evenings and Saturdays to accommodate residents.
4. On March 22 at 6:00 p.m. SPARK will host a seminar on job loss in Michigan at Weber's Inn.
5. The County has changed supplier for natural gas from DTE to Exelon to save money. The Supervisor would like to investigate to see if the Township could do likewise.

It was moved by McKinney, supported by Lewis, that the Superior Charter Township Board authorize the Supervisor to investigate the possibility of purchasing the Township's natural gas from Exelon.

The motion carried.

6. Urban County is considering partnering with County Parks and the Road Commission to construct a non-motorized trail along Clark Road between Prospect and Ridge. There is a required \$6,000.00 matching contribution from Superior Township.
7. On February 15 YCUA had a massive water main break in Ypsilanti Township. Because Superior Township had the second connection from Detroit at Geddes and Ridge, our residents did not lose water and we were able to allow YCUA to divert the

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
PAGE 3**

water that would normally come into the Township at Dawn to residents in Ypsilanti so they didn't lose water either.

8. The Utilities Department with the help from OHM applied for a State Revolving Fund Grant in June. The process went smoothly and we received the Grant. The Supervisor has been to meetings with other supervisors who complained about the difficulties and expense of getting a similar Grant. McFarlane complimented our engineers and the Utilities Department for doing such a good job, especially in light of the problems other communities are having.

**B. DEPARTMENT REPORTS: FIRE DEPARTMENT, FIRE MARSHAL, SHERIFF DEPARTMENT, ORDINANCE OFFICER, UTILITY DEPARTMENT, FALSE ALARMS, OHM, ASSESSOR, PLANNING ADMINISTRATOR, BUILDING DEPARTMENT, PARK COMMISSION MINUTES**

It was moved by Williams, supported by Green, that the reports from the Fire Department for January and February, Fire Marshal dated February 16, 2007, Sheriff Department dated February 18, 2007, Ordinance Officer for January and February, 2007, Utility Department dated March 7, 2007, False Alarms Status Report dated March 5, 2007, the OHM Monthly Update for February, Assessor Report, Planning Administrator Report for February, Building Department for February, and the Park Commission Minutes for December 11, 2006 and January 22, 2007, be received.

The motion carried.

**C. DECEMBER 2006 FINANCIAL STATEMENTS – ALL FUNDS**

It was moved by McKinney, supported by Lewis, that the December 2006 Financial Statements for all funds be received.

Susan Mumm, Accountant, was present to answer questions.

The motion carried.

**8. COMMUNICATIONS**

**A. OPINION AND ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY DISPOSITION – ACO LAWSUIT**

The Township received the Opinion and Order granting the Township's motion for Summary Disposition and dismissing the case with prejudice in the ACO Development, Inc. vs. Superior Charter Township lawsuit. ACO

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
PAGE 4**

sued the Township in 2004 because they were denied a conditional use permit for a mini-storage facility at the southeast corner of Ann Arbor/Plymouth Road and Gotfredson in Section 1. McFarlane said that he had just received word that ACO was appealing the decision.

It was moved by Williams, supported by Green, that the Superior Charter Township Board receive the Opinion and Order granting the Township's motion for Summary Disposition and dismissing the case with prejudice in the ACO Development, Inc. vs. Superior Charter Township lawsuit.

The motion carried.

**9. UNFINISHED BUSINESS**

**A. RESOLUTION – AUTHORIZATION TO SIGN BROTHERS SALES AGREEMENT**

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

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
MARCH 5, 2007**

**A RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN THE SALES AGREEMENT BETWEEN THE TOWNSHIP AND PEGGY BROTHERS FOR THE LAND ON THE NORTHEAST CORNER OF PROSPECT AND CHERRY HILL ROADS**

WHEREAS the Township Hall site surrounds the ½ acre of land that is owned by Peggy Brothers; and

WHEREAS the Township Board has recognized that the ½ acre may be needed at the Township Hall site in the future; and

WHEREAS Peggy Brothers is desires to sell the land; and

WHEREAS an appraisal conducted by Leslie Forsys, a certified residential real estate appraiser, on January 4, 2007, appraised the property at \$135,000.00; and

WHEREAS Mrs. Brothers is willing to sell the property for that amount; and

WHEREAS at the regular meeting of the Superior Charter Township Board on February 5, 2007, the Board authorized the administrative staff to proceed with acquiring the

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
PAGE 5**

necessary legal documents to purchase the land at the northeast corner of Prospect and Cherry Hill adjacent to the Township Hall property for the appraised price of \$135,000.00; and

WHEREAS Township Attorney John Etter has prepared the Sales Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Superior Charter Township Board authorizes the Supervisor and Clerk to sign the Sales Agreement with Peggy Brothers, whose address is 11281 Ford Highway, Tecumseh, Michigan, to purchase ½ acre of land with buildings at 3010 Prospect Road, being the northeast corner of Prospect and Cherry Hill, for \$135,000.00 cash.

Roll call vote:

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

Nays: None

Absent: Caviston

The motion carried.

**10. NEW BUSINESS**

**A. APPOINTMENTS TO CONSTRUCTION BOARD OF APPEALS**

It was moved by McKinney, supported by Green, that the Superior Charter Township Board concur with the recommendation of Richard Mayernik, the Township Building/Zoning Official, and reappoint the following persons to the Superior Charter Township Building Construction Board of Appeals for two-year terms ending March 5, 2009:

Philip Tocco – 5645 Winslow Court, Ypsilanti, MI 48197

Gary Dresselhouse - 1481 Woodland Drive, Ann Arbor, MI 48105

Kurt F. Weiland – 6201 W. Michigan Avenue, Ann Arbor, MI 48108

Thomas E. Tocco – 5301 East Huron River Drive, Ann Arbor, MI 48106

Joseph P. Veltri – 335 S. Warren, South Lyon, MI 48178

The motion carried.

**B. ORDINANCE 168 – TRUANCY OF MINORS – FIRST READING**

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
PAGE 6**

It was moved by Lewis, supported by Williams, that the Superior Charter Township Board adopt the following Ordinance for first reading:

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE No. 168**

**AN ORDINANCE TO CONTROL THE TRUANCY OF MINORS**

The Charter Township of Superior hereby ordains:

**Section 168-01. Truancy in public places and motor vehicles.**

- A. It is unlawful for a minor under the age of 16 years who is enrolled in a public or private educational program to be absent from school and in a public place, as defined in subsection B.
- B. A public place means any public street, avenue, highway, roadway, curb area, alley, park, playground or other public ground, place or building, amusement place, eating place, vacant lot or any place open to the public during the hours of 9:00 a.m. and 2:30 p.m. when school is in session.
- C. Exceptions. The provisions of subsection A shall not apply to persons under the age of 16 when:
1. The minor has in his or her possession a written excuse from the minor's parent, legal guardian, or other adult person having the legal care or custody of the minor.
  2. The minor is accompanied by his or her parent, legal guardian or other adult person having the legal care or custody of the minor;
  3. The minor is on an emergency errand directed by his or her parent, legal guardian or other person having legal care or custody of the minor;
  4. The minor is going directly to or returning from a medical, dental or orthodontic appointment;
  5. The minor has permission to leave school and has in his or her possession a valid school excuse to be absent from school;
  6. The minor is going directly to or returning from a public meeting or place of entertainment, such as a movie, play, sporting event, dance or

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
PAGE 7**

school activity, provided such meeting, event or activity is a school approved activity or is otherwise supervised by school personnel;

7. The presence of the minor in such place is connected with or required by a school approved or school related business, trade, profession or occupation in which the minor is lawfully engaged;

8. The minor has graduated from high school or has fulfilled all requirements for high school graduation;

9. The minor is in attendance at religious instruction classes in accordance with Section 156 (3Xd) of Public Act 451 of 1970 (MCL 380.1561(3Xd)); or

10. The minor is being educated in an organized educational program at the minor's home by his or her parent or legal guardian in accordance with Public Act No. 451 or 1976 (MCL 380.1 et. Seq.).

D. Violation of Section A shall be a misdemeanor punishable by a maximum fine in the amount of \$50 for a first offense and \$100 for a second or subsequent offense during a calendar school year.

**Section 168.02. Enforcement procedure; parental responsibility.**

A. A minor cited for a violation under this section shall attend a court hearing and must be accompanied at the hearing by his or her parent, legal guardian or other adult person have legal care or custody of the minor.

B. It is the responsibility of the parent, legal guardian or other adult person having the legal care of custody of the minor, upon receiving notification from the court or the township, to appear for a court hearing as described in Subsection A. Failure to attend a court hearing is a misdemeanor punishable by a maximum sentence of 90 days in jail and/or \$500 fine.

C. It is the responsibility of the parent, legal guardian or other adult person having the legal care or custody of the minor to monitor the school attendance of the minor as required by law. Failure to monitor school attendance of the minor constitutes a misdemeanor punishable by a maximum sentence of 90 days in jail and/or \$500 fine.

**Section 168-03. Severability.** Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
PAGE 8**

**Section 168-04. Effective Date.** This ordinance shall be effective on publication in a newspaper of general circulation as required by law.

Roll call vote:

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

Nays: None

Absent: Caviston

The motion carried.

**C. RESOLUTION SUPPORTING LODI TOWNSHIP – DENIAL  
OF WASTEWATER DISCHARGE PERMIT**

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

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**MARCH 5, 2007**

**A RESOLUTION REQUESTING DENIAL OF MDEQ WASTEWATER  
DISCHARGE PERMIT No. MI0058174**

WHEREAS Fairview Land Development, LLC, has petitioned the Michigan Department of Environmental Quality to issue a wastewater discharge permit (Permit No. MI0058174) for a development consisting of 660 single-family residential units, located on a 112 acre parcel on Wagner Road in Lodi Township; and

WHEREAS under the proposed permit, treated wastewater would be discharged into Rouse Drain, flow into the Pittsfield #1 Drain, and ultimately into the Saline River; and

WHEREAS under the MDEQ's administrative rules governing the processing of private wastewater treatment permits (Rule 1098) the applicant for such permits must demonstrate the social and/or economic benefits that would be foregone if the discharge permit were not granted; and

WHEREAS Superior Charter Township has gone on record as opposing on-site wastewater treatment facilities if the facility poses a potential increase in the degradation of the water quality of Michigan streams, rivers, and lakes;



**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
PAGE 9**

NOW, THEREFORE, BE IT RESOLVED, that Superior Charter Township Board requests that the Michigan Department of Environmental Quality deny the issuance of Permit No. MI0058174, wastewater discharge permit to Fairview Land Development, LLC, for the following reasons:

1. The area has sufficient housing for the present and near future,
2. The local economy would not be enhanced by the addition of more homes considering the number of unsold homes presently on the market,
3. The Lodi Township Land Use Plan and Zoning Ordinance do not designate this proposed area for these housing densities,
4. The large amount of additional wastewater should not be discharged in the Saline River.

Roll call vote:

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

Nays: None

Absent: Caviston

The motion carried.

**D. RESOLUTION – GEDDES RIDGE ROADSIDE  
MAINTENANCE SPECIAL ASSESSMENT DISTRICT**

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

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

**GEDDES RIDGE ROADSIDE MAINTENANCE SPECIAL  
ASSESSMENT DISTRICT**

**RESOLUTION NO. 1**

Minutes of a Regular Meeting of the Township Board of Charter Township of Superior, Washtenaw County, Michigan held at the Township Hall in said Township, on the fifth day of March, 2007, at 7:30 p.m.

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
PAGE 10**

PRESENT: Members McFarlane, Williams, McKinney, Caviston, Green, Lewis,  
Phillips

ABSENT: Members None

The following preamble and resolution were offered by Member Green and supported by Member Phillips:

WHEREAS this Board has received informal written indications of interest from residents of Geddes Ridge Subdivision in certain road improvements for that Subdivision; and

WHEREAS, this Board deems it advisable and necessary for the public health, safety and welfare of the Township and its inhabitants to construct, improve and maintain the road improvements particularly described in Exhibit A which is attached hereto and made a part hereof; and

WHEREAS, this Board has the power and authority pursuant to Act 188, Public Acts of Michigan of 1954, as amended, on its own initiative and without petition to exercise the powers granted by said Act 188 with respect to constructing, improving and maintaining such improvements; and

WHEREAS, this Board believes that such improvements are in the best interests of the Township and its residents and does therefore determine to proceed with the construction, improvement and maintenance of such road improvements without petition;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The registered engineers of the Washtenaw County Road Commission and/or the Township's Supervisor and Treasurer are hereby ordered to prepare plans showing the improvements, the location thereof, and estimates of the cost thereof, and this Board does hereby specifically ratify and confirm all prior actions and authority of Township officials to order the same.

2. Said engineers and/or officials are further ordered to file said plans and cost estimates with the Township Board as soon as they are completed.

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
PAGE 11**

3. All resolutions and parts of resolutions, insofar as they conflict with the provisions of this resolution, be and the same hereby are rescinded.

**EXHIBIT A**

Proposed improvements are described as maintenance of the following roadsides in Superior Charter Township:

1. Geddes Road from Harris to Andover.
2. Harris Road from Ascot to Geddes

Maintenance is lawn cutting and trimming as needed, bush and tree trimming and/or planting as needed, sign construction and sign maintenance as needed, pick-up of trash dumped along roadsides as needed.

Roll call vote:

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

Nays: None

Absent: Caviston

The motion carried.

**E. ADOPT UPDATED ENGINEERING STANDARDS**

Rhett Gronevelt and David Schroeder were present to answer questions.

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

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
MARCH 5, 2007**

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
PAGE 12**

**A RESOLUTION TO ADOPT ENGINEERING STANDARDS**

WHEREAS the present Superior Charter Township Engineering Standards were adopted on January 20, 2004, effective immediately, and

WHEREAS in the subsequent three years there have been changes in procedures and equipment; and

WHEREAS the Township Engineers, the Planning Consultant, and the Utility Department have determined that the 2004 Standards need to updated,

NOW THEREFORE BE IT RESOLVED that the Superior Charter Township Board hereby adopts the Superior Charter Township Engineering Standards dated March 2007.

Roll call vote:

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

Nays: None

Absent: Caviston

The motion carried.

**F. NEW POSTAGE MACHINE FOR UTILITIES DEPARTMENT**

The lease is expiring for the Utilities Depart postage machine and the department is able to lease a new updated machine under the State of Michigan pricing agreements on a four-year lease for a dollar less that the old machine.

Rick Church was present to answer questions.

It was moved by McKinney, supported by Green, that the Superior Charter Township Board authorize the Supervisor to sign the four-year lease with Pitney Bowes for a DM-400 postage machine for the Utilities Department for \$202.00 per month.

The motion carried unanimously.

**G. UTILITIES DEPARTMENT REQUEST FOR  
AUTHORIZATION TO PROCEED WITH LAND PURCHASE  
NOGOTIATIONS WITH YPSILANTI SCHOOLS**

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
PAGE 13**

The 2004 Water Master Plan for the Utilities Department recommended that two million gallons of water storage be provided when the Township reaches its ultimate development of the current water and sewer district. Having water storage can off-set water charges for peak usage times. One of the potential locations for the storage is at the northwest corner of Leforge and Clark, where the booster station exists. The Utilities Department estimates that approximately an acre is needed. The land belongs to the Ypsilanti Public Schools and the Superintendent as expressed a willingness to sell a piece of the land.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board authorize the Supervisor and Utilities Department to secure an appraisal of the property and commence formal negotiations with the Ypsilanti Public Schools for the purchase of the land.

The motion carried.

**H. ALLIANCE OF ROUGE COMMUNITIES 2007 ASSESSMENT**

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board authorize the payment of Alliance of Rouge Communities Assessment for 2007 in the amount of \$7,359.00.

Roll call vote:

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

Nays: None

Absent: Caviston

The motion carried.

**I. RESOLUTION SUPPORTING PASSENGER RAIL SERVICE  
ALONG US-23 CORRIDOR**

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

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**MARCH 5, 2007**

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
PAGE 14**

**A RESOLUTION SUPPORTING PASSENGER RAIL SERVICE  
ALONG THE US-23 CORRIDOR**

WHEREAS US-23 is the main route to Ann Arbor, Ypsilanti, and points south from Livingston County, Flint, and the north; and

WHEREAS US-23 is extremely congested during morning and evening rush hours; and

WHEREAS the construction which is limiting the roadway to one lane has begun and the congestion will become unbearable; and

WHEREAS an alternative to motor traffic on the roadway exists;

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board strongly supports the commuter rail service between Livingston and Washtenaw Counties paralleling the US-23 Corridor; and

BE IT FURTHER RESOLVED, that the Superior Charter Township Board supports the goal to develop this service beyond just commuter service into a full service passenger rail that would connect Toledo, Monroe, Washtenaw and Livingston Counties with Traverse City, in addition to rail service to connect the future East/West rail service connecting to Detroit and Metro Airport.

Roll call vote:

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

Nays: None

Absent: Caviston

The motion carried.

**11. PAYMENT OF BILLS**

It was moved by McKinney, supported by Phillips, that the bills be paid as presented in the following amounts – Utilities Fund - \$3,613,70 for a total of \$3,613.70.

The motion carried.

**12. PLEAS AND PETITIONS**

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 5, 2007  
PAGE 15**

Lewis was pleased with the response at the new branch library which just opened in the community room of the fire substation. During the first day the library was open for four hours and 88 materials were checked out.

**13. ADJOURNMENT**

It was moved by McKinney, supported by Caviston, that the meeting adjourn.

The motion carried and the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Kay Williams, Clerk