

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
APRIL 4, 2005
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 April 4, 2005, 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, Nancy Caviston, Rodrick Green, Lisa Lewis, and David Phillips.

4. ADOPTION OF AGENDA

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

The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF MARCH 21, 2005

It was moved by McKinney, supported by Caviston, to approve the minutes of the regular Board meeting of March 21, 2005, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

Deborah Wardell, 1662 Harvest Lane, has moved back into her mother's house and came to the meeting to say that she is pleased about the current Township. She appreciates the non-motorized trail from Bazley to Bromley and beyond and is very pleased with the plans for the Utility Maintenance Building. She lived here when the Oval was a problem and is glad that it is being restored and used for a beautiful public building.

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Chief Garvin Smith informed the Board that the Fire Department is now officially moved in the new Fire Station. The project went well and the Department is pleased with the quality of work. A Four-County meeting of Fire Chiefs was held in the new Station and the Chiefs were all impressed. The Department worked hard with the architects and planned every inch of the building to meet the needs of the Department for now and in the future. It is a productive place to work with space to perform the needed tasks and enough storage for equipment. The drive-through bays are safer and more efficient. The building has a new telephone service and the computers are networked with the Sub-station. The Department plans an Open House in May for the public, but anyone is welcome to view the building before then.

John Copley, 6735 Cherry Hill, wanted to know if there was going to be a Township Spring Clean-up along the roads. The Supervisor answered that the County is holding regional clean-up days, but the sites are on the west side of the County. The Township has requested that a site be held on the east side of the County and told the County that the Township would be willing to be a site. It may happen next year. In the meantime if residents pick up trash and put it in a pile, Great Lakes Waste Management will pick it up as it is in their contract to do so.

Martha Kern, County Commissioner, said that she would try to get a clean-up site on the east side of the County. She also said that she would attempt to have the Township be designated as one of the trial sites for Wireless Washtenaw. The main focus of her interest at the present time is County police services. With the defeat of the jail millage in February, the County needs to decide how the jail will be expanded and how to fix the 14th District Court. The County is holding a meeting on Thursday, April 7, at 6:30 to discuss the problem and she urges members of the Board to attend. McFarlane and McKinney said that they would be going. The cities are reluctant to continue to fund the County road patrol as they pay for their own road patrol already.

Marion Morris, 8364 Vreeland, said that there were three dead deer on Prospect south of Cherry Hill and wanted to know what could be done about it. McFarlane answered that he used to pull them off road himself, but doesn't anymore. The State will only pick them up from State routes if they are on the pavement and the County Road Commission refuses to pick them up. It is a continuing problem without an easy solution.

John Hudson, Ordinance Officer, said that he has called the Sheriff about dead deer and dogs and they refused to pick them up, too.

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7. REPORTS

A. SUPERVISOR

The Supervisor reported on three items:

1. The Supervisor was pleased that Martha Kern, County Commissioner was here because he has many concerns about police services. The administrative staff has been meeting with adjacent townships to determine if there is a way to collaborate to provide service. McFarlane also expressed his hope that if the County decides to stop the 0.5 mill subsidy for police service, that they do so gradually, not all the first year.
2. The Sheriff Work Release program now has their own trailer so they can pick up the bags of trash collected on the sides of the road as they fill them.
3. The Fleming Creek Advisory Council is holding a Fleming Creek Summit on Tuesday, April 26, from 7 to 9 p.m. at the Matthaai Botanical Gardens to learn from each community in the watershed about the planning techniques they have developed to protect the creek and to discuss methods to coordinate planning across the borders.

B. DEPARTMENTAL REPORTS : FIRE DEPARTMENT, OHM MONTHLY UPDATE, PLANNING COMMISSION REPORT

It was moved by Caviston, supported by McKinney, that the Fire Department Report for March, OHM Monthly Update dated March 29, 2005, and the Planning Commission Report dated March 23, 2005, be received.

The motion carried.

8. C. COMMUNICATIONS

There were none.

9. OLD BUSINESS

A. ORDINANCE #165 – NUISANCE ORDINANCE – FINAL READING

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At the first reading some questions were raised concerning the Ordinance's applicability to manufactured homes in mobile home parks. The attorney answered that the ordinance was effective in mobile home parks, but if it became necessary to enforce the ordinance in a lot of mobile home cases, it would be better to have another ordinance that addressed mobile homes parks directly.

The other question was about the timing of the assessment of the value of building. The building should be a fair calculation based upon the SEV as assessed or roughly 50% of the fair market value.

It was moved by Williams, supported by Caviston, that the Superior Charter Township adopt the following Ordinance for final reading:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 165

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE UNDER THE AUTHORITY OF PUBLIC ACTS 359 OF 1947, 246 OF 1945, AND 167 OF 1917, AS AMENDED, AND PURSUANT TO THE STATUTES AND LAWS OF THE STATE OF MICHIGAN; TO PROVIDE FOR THE ELIMINATION, REDUCTION OR PREVENTION OF BLIGHT, PUBLIC NUISANCES AND DANGEROUS BUILDINGS OR STRUCTURES WITHIN SUPERIOR CHARTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN; TO PROVIDE FOR ENFORCEMENT THEREFOR; AND TO ESTABLISH A PENALTY FOR VIOLATION.

THE CHARTER TOWNSHIP OF SUPERIOR ORDAINS:

DIVISION 1. GENERALLY

Section 1. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

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A. "Public Nuisance" means a thing, condition, or use that annoys, inconveniences, injures or endangers the public health, safety, comfort, or repose; offends public decency; litters or pollutes, interferes with, obstructs, or renders dangerous any road, street, highway, lake, river or stream; or in any way renders the public insecure in life or property because of offensive odors, noises, substances, smoky ashes and soot, dust, gas, fumes, chemical diffusion, smog, disturbances and vibrations of the earth, water, air, or structures, emanations, or sights is hereby declared to be a "public nuisance." Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this ordinance.

B. "Dangerous Building" shall include any building or structure whether constructed or maintained for residential, commercial, industrial or other use that has 1 or more of the following defects or is in 1 or more of the following conditions:

- (1) A door, aisle, passageway, stairway, or other means of exit does not conform to the approved fire code of the city, village, or township in which the building or structure is located.
- (2) A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of this act or a building code of the city, village, or township in which the building or structure is located for a new building or structure, purpose, or location.
- (3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (4) A portion of the building or structure has settled to an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by this act or a building code of the city, village, or township in which the building or structure is located.
- (5) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.

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- (6) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
- (7) The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or other reason, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
- (9) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- (10) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2501. For purposes of this subdivision, "building or structure" includes, but is not limited to, a commercial building or structure. This subdivision does not apply to either of the following:
 - (a) A building or structure if the owner or agent does both of the following:
 - (i) Notifies a local law enforcement agency in whose jurisdiction the building or structure is located that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the local law enforcement agency by the owner or agent nor more than 30 days after the building or structure becomes unoccupied.

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- (ii) Maintains the exterior of the building or structure and adjoining grounds in accordance with this act or a building code of the city, village, or township in which the building or structure is located.

- (b) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies a local law enforcement agency in whose jurisdiction the dwelling is located that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the law enforcement agency not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling including, but not limited to, a vacation home, hunting cabin, or summer home, that is occupied by the owner or a member of the owner's family during part of a year.

Section 2. Nuisance Prohibited.

- A. General Prohibition. It shall be unlawful for any person to cause or permit the existence and continuance of a public nuisance.

- B. Specific Prohibitions. The following acts, services, apparatus and structures are hereby declared to be public nuisances:
 - (1) The maintenance of polluted or stagnant ponds or pools of water on the earth or in any holding tank or vessel;

 - (2) The throwing, placing, depositing, or leaving, by any person, any animal or vegetable substance, dead animal, fish, shell, tin cans, bottles, glass, or other rubbish, dirt, excrement, filth, unclean or nauseous water or other fluids, hay, straw, soot, garbage, swill, animal bones, hides or horns, rotten soap, grease or tallow, offal, or any other offensive articles or substances whatever in any stream, river, lake, street, highway, lane, alley, public place or premises or in any private place or premises where such throwing, placing, depositing or leaving is

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dangerous or detrimental to the public health, likely to cause sickness or attract flies, insects, rodents and/or vermin;

- (3) The pollution or littering of any street, highway or lane, stream, river, lake, or body of water by depositing, or permitting to be deposited, any refuse, foul or noxious liquid or water, or creamery or industrial waste;
- (4) The emission of noxious fumes or gas in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities;
- (5) An immoral, obscene or illegal act which is committed in any vehicle on any street, highway, lane, alley or other public place;
- (6) Betting, bookmaking, and/or the keeping or maintaining of any gambling book, gambling devices, and all apparatus used in such occupations or for such purposes;
- (7) The keeping or maintaining of any residence, building or structure for the purpose of prostitution, the sale of illegal drugs, or other illicit, immoral or illegal sexual activity, acts or purposes;
- (8) The distribution of prescription medicines or drugs, or samples of prescription medicines or drugs, except by a licensed pharmacist or physician to an adult person over 18 years of age;
- (9) Keeping, maintaining, or storing any explosives, flammable liquids or other hazardous materials or substances in amounts, or pursuant to a method, contrary to the provisions of this Code, state statutes, or any ordinance of this Township;

DIVISION 2. DANGEROUS STRUCTURES

Section 3. Dangerous Buildings and Structures Prohibited.

A. General Prohibition. It shall be unlawful for any owner, tenant, lessee, agent of an owner, or other person in possession or control of property located in Superior Charter Township to allow, keep or maintain a dangerous building as defined in this ordinance.

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B. Notice and Appointment of Hearing Officer. Upon a determination by the Township Board, or the Township Supervisor designated enforcement person or agency, that a dangerous building exists, the Board, or the designated person or agency, shall issue a notice to the owner, agent, or lessee of the property that appears on the last local tax assessment records and to such other persons who are known to the Township to have an interest in the property, or who might be discovered upon a reasonable inquiry. The notice shall comply with all of the following:

- (1) The notice shall state that the building or structure is a dangerous building and specify in what respects it is declared to be so.
- (2) The notice shall fix a time and date upon which the owner, agent, or lessee shall have an opportunity to appear and show cause why the structure is not a dangerous building and why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- (3) The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.
- (4) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure.
- (5) The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.
- (6) A copy of the notice shall be filed with the hearing officer.

The Township Supervisor shall recommend and the Board shall appoint a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization as a hearing officer. The hearing officer shall not be an employee of the Township.

C. Hearing; Testimony; Determination and Orders; Failure to Appear or Non-Compliance with Order; Enforcement; Reimbursement and Notice of Costs; Lien; Remedies.

- (1) At the hearing prescribed by subsection (B) above, the hearing officer shall take testimony of the enforcing agency, the owner of the property, and any interested party.

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Not more than 5 days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained. If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall enter an order that specifies what action the owner, agent, or lessee shall take and set a date by which the owner, agent, or lessee shall comply with the order. The order shall also specify the time within which such work shall be commenced and the necessary permits to be obtained by the owner, agent, or lessee. If the building is a dangerous building under Section 1(B)(10) of this Ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees, and shrubs.

- (2) The Township Board shall set a date not less than 30 days after the show cause hearing for a hearing on the findings and order of the hearing officer. The Board shall give notice to the owner, agent, or lessee in the manner prescribed in subsection (B) of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The Board shall either approve, disapprove, or modify the order. If the Board approves or modifies the order, it shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. The Township Board may extend such period for good cause shown. For an order of demolition, if the Board determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.
- (3) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under this section, the hearing officer shall file a report of the findings and a copy of the order with the Township Board not more than 5 days after the date for compliance set in the order and request that necessary action be taken to enforce the order. A copy of the findings and order of the

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hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in subsection (B) above.

D. Penalty. A person who fails or refuses to comply with an order approved or modified by the Board under this Section within the time prescribed is guilty of a misdemeanor punishable by imprisonment of not more than 90 days and a fine of not more than \$500.00, or both.

E. Appeal. The owner, agent, or lessee shall have the same right of appeal to circuit court for any final decision or order of the Township as is otherwise provided for under the statutes and laws of the State of Michigan.

F. Abatement. If, at the expiration of any time limit in the order, the owner, lessee, or agent has not complied with the requirements of the order, the Township may carry out the requirements of the order. The cost of such abatement shall be charged against the premises and the owner, lessee or agent thereof in accordance with the provisions of Sections 5, 6, and 7 of MCLA 125.541, and MCLA 125.541(a) which are hereby adopted and incorporated herein by reference, and such other provisions in this ordinance and law which may apply.

G. Emergency Abatement. The Township Supervisor may abate any such public nuisance, if the public safety requires immediate action, without preliminary order of the Township. Thereafter, the cost of abating such nuisance shall be charged against the premises and the owner of the premises in accordance with the provisions of subsection "F" above.

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H. Other Remedies. Nothing contained in this division shall be construed to limit or abrogate the right of the Township to seek any other remedy permitted by law including, specifically, the right to seek abatement of any dangerous building or other nuisance through circuit court action.

DIVISION 3. BLIGHT

Section 4. Blight Prohibited.

A. Purpose. It is the purpose of this division to prevent, reduce or eliminate potential blight in the Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or may in the future exist in the Township.

B. Enforcement of Division. This division shall be enforced by such persons who shall be designated by the Township Supervisor.

C. Causes of Blight. It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the Township, owned, leased, rented or occupied by such person:

- (1) In any area, except where specifically permitted by zoning or other applicable ordinance, the storage upon any property of junk automobiles, junk motor-driven vehicles, trailers in disrepair, contractor's equipment in disrepair, or boat hulls in disrepair, except in a completely enclosed building. For the purpose of this division, the terms "junk automobiles," "junk motor- driven vehicles," "trailers in disrepair," "contractor's equipment in disrepair," or "boat hulls in disrepair" shall include any such article which is not licensed for use upon the highways of the state, or lakes and waterways, for a period in excess of 48 hours; and shall also include, whether so licensed or not, any of the above enumerated articles which are inoperative for any reason for a period in excess of 14 days.
- (2) In any area, except where specifically permitted by zoning or other applicable ordinance, the storage upon any property of building materials unless there is in force a valid building permit issued by the Township for construction upon such property, and the materials are intended for use in connection with such construction, except the temporary storage of building materials which are stored within an enclosed structure and are otherwise not of a nature to be unsightly or a cause of blight. Building materials shall include, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement,

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nails, screws, or any other material used in the construction of any structure.

- (3) In any area, except specifically permitted by zoning or other applicable ordinance, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in a rodent proof receptacle, in such a manner as not to create a nuisance for a period not to exceed 30 days. The terms "junk" shall include parts of machinery or motor vehicles, unused stoves or other unused appliances stored in the open, remnants of wood, metal or other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.
- (4) In any area, the existence of any building or structure or part of any structure which is a dangerous building as defined by this ordinance.
- (5) In any area zoned for residential, commercial or office purposes, the existence of any vacant dwellings, garages or other outbuildings unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.
- (6) In any area, the existence of any partially completed structure, unless such structure is in the course of completion in accordance with a valid and subsisting building permit issued by the Township and unless such construction is completed within a reasonable time.
- (7) In any area, the existence of any tree or other growth infected by disease, injurious insects, or other dangerous condition that detrimentally affects other trees, plants, or growths, or otherwise detrimentally affects the public health, safety and welfare.

D. Notice. The owner, if possible, and the occupant of any property upon which the causes of blight or blighting factors set forth herein are found to exist, shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the notice upon him. Such notice shall be served by certified mail addressed to the owner and occupant of the property where the blighting factor or cause exists. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

E. Violation. Failure to comply with such notice within the time allowed, by the owner and/or occupant shall constitute a violation of this division.

Section 5. Penalty. Except as otherwise provided for in this Ordinance, any person, corporation, or other legal entity, including an officer, director, or employee, who

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violates any provision of this Ordinance, or who shall fail to do what is required by the terms of the Ordinance, is responsible for a municipal civil infraction and shall 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. Except as otherwise provided for herein, if a person admits responsibility at the Township Municipal Civil Infraction Violations Bureau, or is found responsible for a municipal civil infraction violation citation under this Ordinance, a civil fine shall be assessed as follows:

1st offense - Minimum fine of one hundred dollars (\$100.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees;

1st repeat offense - Minimum fine of two hundred dollars (\$200.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees;

2nd repeat offense - Minimum fine of three hundred dollars (\$300.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees.

For the purpose of this section, a repeat offense means a second or subsequent violation of the same requirement or provision of this Ordinance. Nothing in this section shall be interpreted as abrogating the Township's right to proceed with an appropriate equitable action in the Washtenaw County Circuit Court to enjoin and/or abate any violation of the terms of an Ordinance. Each day that a violation is permitted to continue shall constitute a separate offense. The imposition of a sanction for violation of this Ordinance shall not exempt the offender from compliance with the requirements of the Ordinance so violated.

Section 6. Severability. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

Section 7. Repeal. Ordinance provisions that are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed. This Ordinance specifically repeals and replaces Ordinance No. 138, as amended.

Section 8. Savings Clause. The repeal provided herein shall not abrogate or affect any offense committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution occurring prior to the effective date hereof.

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Section 9. Publication and effective date. The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective as of the date of final publication of the Ordinance.

This Ordinance was duly adopted by the Superior Charter Township Board at its regular meeting called and held on the 4th day of April, 2005, and was ordered given publication in the manner required by law.

Kay Williams, Clerk
Charter Township of Superior

William McFarlane, Supervisor
Charter Township of Superior

CERTIFICATE

I, Kay Williams, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Superior Charter Township Ordinance No. 165, which was duly adopted by the Township Board of Superior Charter Township at a regular Meeting of said Board, held on April 4, 2005, after said ordinance had previously been introduced at a regular Meeting of the Board held March 21, 2005, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

Kay Williams, Clerk
Charter Township of Superior

Dated: April 4, 2005

Roll call vote:

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

Nays: None

The motion carried.

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10. NEW BUSINESS

A. APPOINTMENT TO THE PLANNING COMMISSION

Stanley Stewart resigned from the Planning Commission and the Supervisor recommended that Terrance Quinn be appointed to fill the vacancy. Mr. Quinn is a graduate of the University of Michigan, U of M Law School, and played football for U of M. He has also been on the Superior Township Board of Review.

Terrance Quinn was present and stated that he was very interested in serving on the Planning Commission.

It was moved by McKinney, supported by Lewis, that the Superior Charter Township Board concur with the Supervisor and confirm the appointment of Terrance Quinn, 8495 Berkshire, to the Planning Commission to fill the vacancy in the term ending February 28, 2006.

The motion carried.

**B. ORDINANCE 134-32 – AMENDMENT TO THE ZONING
ORDINANCE – PORCHES AND DECKS – FIRST READING**

At the regular meeting of the Planning Commission on March 23, 2005, the Commission recommended that the Superior Charter Township Zoning Ordinance be amended to increase the size of parcels eligible for setback encroachment of porches and decks.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board concur with the recommendation of the Planning Commission and adopt the following Ordinance for first reading:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE # 134-32

The Board of Superior Charter Township of Washtenaw County, Michigan, hereby ordains that Ordinance Number 134, being the Superior Charter Township Zoning Ordinance, adopted August 4, 1997, and effective August 21, 1997, as amended, be amended as follows:

SECTION I

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Superior Charter Township Ordinance Number 134 , designated Superior Charter Township Zoning Ordinance, adopted August 4, 1997, and effective August 21, 1997, as amended, is hereby amended as follows:

Amend Section 4.04(H)(1)(d)(4) as follows:

4. The lot area of the parcel is **eighteen thousand (18,000)** square feet or less.

SECTION II

This Ordinance shall be published in a newspaper circulated within the Township of Superior within thirty (30) days following the final adoption thereof. This Ordinance shall become effective on the eighth day following said publication or such later date as is provided by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III

I, Kay Williams, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that this is a true copy of an Ordinance adopted by the Superior Charter Township Board for first reading at a regular meeting held on April 4, 2005. This Ordinance shall become effective on the eighth day following publication of second and final reading, or such later date as may be provided herein or by law.

William McFarlane, Supervisor

Kay Williams, Clerk

Roll call vote:

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

Nays: None

The motion carried.

**C. ORDINANCE 134-33 – REZONE UTILITY MAINTENANCE
BUILDING SITE FROM RC TO PC – FIRST READING.**

At the regular meeting of the Planning Commission on March 23, 2005, the Commission recommended that the Superior Charter Township Zoning

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Ordinance be amended to change the zoning of a 21.56 acre site on MacArthur Boulevard north of Bazley Road in Section 35 from RC (Recreation Conservation) to PC (Planned Community). The area plan for the site, dated March 7, 2005, depicts the utility department maintenance facility which will consolidate the operations of the utility department and provide heated, enclosed facilities for utility department storage and vehicle maintenance.

Caviston noted that the Township is continuing to give good facilities to the citizens of the Township.

Phillips said that the Facility was part of the adopted needs study and that it fits in both the Capital Plan for the Utility Department and the site.

It was moved by Caviston, supported by McKinney, that the Superior Charter Township concur with the recommendation of the Planning Commission and adopt the following Ordinance for first reading:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
ORDINANCE # 134-33**

The Board of Superior Charter Township of Washtenaw County, Michigan, hereby ordains that Ordinance Number 134, being the Superior Charter Township Zoning Ordinance, adopted August 4, 1997, and effective August 21, 1997, as amended, be amended as follows:

SECTION I

Superior Charter Township Ordinance Number 134, designated Superior Charter Township Zoning Ordinance, adopted August 4, 1997 and effective August 21, 1997, as amended, and the zoning district map attached thereto and made a part thereof, are hereby amended by rezoning the following described property in Superior Township, Washtenaw County, Michigan, from the present zoning of RC (Recreation Conservation) to PC (Planned Community):

OLD SID J-10-035-010-00 SU 35-7B

BEGINNING AT CENTER OF SECTION 35; THENCE N87°42'58"E 363.44 FEET IN THE E-W1/4 LINE; THENCE N02°34'42"W 145.00 FEET; THENCE S65°35'00"E 155.00 FEET; THENCE S51°43'00"E 170.00 FEET; THENCE S42°13'40"E 270.80 FEET; THENCE SWLY 40.11 FEET IN THE ARC OF A CURVE TO THE LEFT, RADIUS 766 FEET, CHORD BEARING S39°15'30"W 40.10 FEET; THENCE S37°45'30"W 245.17 FEET; THENCE SWLY 445.37 FEET IN THE ARC OF A CURVE TO THE RIGHT, RADIUS 859.43 FEET, CHORD BEARING S52°36'15"W 440.41 FEET; THENCE S67°27'00"W 52.41 FEET; THENCE SWLY 138.87 FEET IN THE ARC OF A CURVE TO THE LEFT, RADIUS 859.43 FEET, CHORD BEARING S62°49'10"W 138.72 FEET; THENCE S58°11'30"W 246.79 FEET, THENCE SWLY 158.64 FEET IN THE ARC OF A CURVE TO THE RIGHT< RADIUS 286.48 FEET, CHORD BEARING S74°03'10"W 156.66 FEET; THENCE S89°55'10"W 202.82

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FEET; THENCE NWLY 567.20 FEET IN THE ARC OF A CURE TO THE LEFT, RADIUS 903.00 FEET, CHORD BEARING N19°32'50"W 557.98 FEET; THENCE N52°22'00"E 316.92 FEET; THENCE N00°06'00"E 226.36 FEET; THENCE N87°52'58"E 382.74 FEET IN THE E-W ¼ LINE TO THE PLACE OF BEGINNING. BEING PART OF SAID SECTION 35 TOWN 2 SOUTH, RANGE 7 EAST. CONTAINS 21.56 ACRES MORE OR LESS. SUBJECT TO ALL RESTRICTIONS AND EASEMENTS OF RECORD, IF ANY.

SECTION II

This Ordinance shall be published in a newspaper circulated within the Township of Superior within thirty (30) days following the final adoption thereof. This Ordinance shall become effective on the eighth day following said publication or such later date as is provided by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

CERTIFICATION

I, Kay Williams, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that this is a true copy of an Ordinance adopted by the Superior Charter Township Board for first reading at a regular meeting held on April 4, 2005. This Ordinance shall become effective on the eighth day following publication of second and final reading, or such later date as may be provided herein or by law.

William McFarlane, Supervisor

Kay Williams, Clerk

Roll call vote:

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

Nays: None

The motion carried.

D. ENGINEERING REVIEW OF UTILITY MAINTENANCE BUILDING

While discussing the proposed utility maintenance facility rezoning, the Planning Commission requested that it might be appropriate for the Township to hire an independent engineer to review the plan, as the plan was developed by the Township Engineers. The Supervisor called Douglas Dail of Wade-Trim who offered to review the plan for a sum not to exceed \$3,000.00.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board authorize the Supervisor to retain Wade-Trim to

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review the design for conformance with applicable ordinances and standards of the site plan and engineering plans, present a report to the Board, and attend one Planning Commission meeting to present their findings on a time and material basis not to exceed \$3,000.00.

Roll call vote:

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

Nays: None

The motion carried.

**E. RESOLUTION – FIRE FIGHTERS MERS PENSION
WITHHOLDING**

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
APRIL 4, 2005**

**A RESOLUTION TO SETTLE THE FIREFIGHTER’S MERS PENSION
WITHHOLDING**

WHEREAS, in 1993 a Federal Internal Revenue Service (IRS) ruling allowed pension plans to be set up as pre-tax plans for government entities, and

WHEREAS, the Municipal Employer Retirement System of Michigan (MERS), which has been the Township retirement plan for the Superior Charter Township Firefighters, decided that all new pension enrollees would be set up as a pre-tax deduction; and

WHEREAS, without informing the Township of that decision, MERS classified all new firefighters as pre-tax while the Township continued to classify them as after-tax; and

WHEREAS, this resulted in the new Firefighters overpaying their Federal and State taxes for several years through no fault of their own; and

WHEREAS, the Supervisor and Accountant have consulted with the Township Auditors and payroll company and determined that the best way to correct the situation is for the Fire Fund to simply pay the Firefighters the amount of their overpayment in taxes, rather

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than re-file all of their tax returns for the last three years and all of the Township 941 employer tax reports; and

WHEREAS, the Accountant refigured the Firefighter's taxes, which was reviewed by the Auditors, and the cost would be \$4,525.29, which includes an extra 30%, as the settlement is subject to additional income taxes; and

WHEREAS, although the fault lies with MERS, it would probably cost more to sue for the funds than to pay it;

NOW, THEREFORE, BE IT RESOLVED that the Superior Charter Township Board authorize the following amounts to be offered to the four Firefighters effected by the MERS Pension deduction error provided that the Firefighters sign a release that they accept the settlement money and will not pursue any litigation regarding this matter:

Barry Conklin	\$1,812.23
Jeffery French	1,301.21
Lance Pierce	863.67
Shaun Bach	<u>548.18</u>
TOTAL	\$4,525.29

Roll call vote:

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

Nays: None

The motion carried.

F. MERS PENSION PLAN – NO AGE REQUIREMENT AFTER 30 YEARS OF SERVICE RIDER

At the March 7, 2005, Board meeting the Board approved adding the Thirty (30) Years of Service No Age Requirement Ride to the MERS Pension Plan as part of the MERS Health-Care Savings Plan Resolution. However, at that time we only had an estimate of the cost of this change which was 0.50%. The formal actuarial study has come in, and the cost is 0.49 %. MERS requires that the Board adopt a new resolution with the actual number.

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

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**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
APRIL 4, 2005**

**A Resolution to Add “30 Years of Service – No Age Requirement” to the Township’s
Municipal Employees Retirement System (MERS) Defined Benefit Pension Plan for
Non-Union Employees**

WHEREAS, the Township recognizes that this change in retirement health care benefits makes the "30 Years of Service--No Age Requirement" rider for the MERS Defined Benefit Pension Plan valuable to some employees where it served no advantage with the previously adopted plan,

THEREFORE BE IT RESOLVED THAT, the Township shall add the "30 Years of Service-No Age Requirement for Retirement" rider to the MERS Defined Benefit pension plan for non-union employees effective May 1, 2005. The cost of this addition is currently .49% and shall be paid by the Township. However, the way the cost of the MERS Pension Plan is split between the Township and employees for this rider, and all other riders, can be changed at any time by a vote of the Superior Township Board of Trustees.

Roll call vote:

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

Nays: None

The motion carried.

G. NEW PARK BUILDING FUNDING AND DESIGN

On March 7, 2005, this Board authorized the Supervisor to submit an application to the Planning Commission for a conditional use to build a Park & Recreation Building on Fireman’s Park; further that the administrative staff determine the cost estimate for both the building plan submitted by the Clerk and the plan submitted by the Park Commission and bring both estimates to the Board for deliberation. The plans have been combined and the architectural firm of Hitch, Inc. has prepared an estimate of costs for a Park Building which meets the needs of the Township.

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The funding of this building will basically come from a transfer of funds from the Utility Fund. Attached is the \$567,000.00 estimate of what it would cost to build an office building for the Utility Department on another site, which does not include the land. As the Board has previously determined, the site of the present Park Building, part of which the Utility Department rents for offices, is the perfect site for a Utility Office as it is in the center of the Utility Service area and convenient for Utility customers paying their bills or needing other utility services. Taking this under consideration, transferring \$400,000 from the Utility Fund to the General Fund to pay for a new Park Building and assigning the use of the present Park Building to the Utility Department is a reasonable request. A letter from Ken Polka, Township Auditor, stated that he agrees with the proposal and sees no reason why it cannot be done. Attorney John Etter also said that it is his opinion that the proposed transaction is legally unobjectionable.

The Project Estimate for the proposed Park Building is \$456,000 which includes \$38,575 in contingency plus some engineering costs which are being donated by OHM. It also includes approximately \$10,000 in utility costs that the Utility Department will donate and \$10,000 in bonds and permits which are not needed. So the building should be able to be built for \$400,000 to \$430,000.00.

Park Commissioners Jan Berry, John Hudson, Marion Morris, and Carl Saddler were present.

Lewis said that it was an important and necessary project. McKinney felt that the location of the building made it accessible to our border-to-border trails. Phillips said the building was located in the ideal spot for a recreation building; it was where the people were. It can be used for kids activities, rentals for citizen activities, summer learning camp, etc.

Berry said that there was not enough storage in the plan, although she agreed that the location was right. McFarlane said that the site is next to the Fire Substation and when the Utility Department moves out of their part of the Substation, the Parks can have that space.

Morris agreed that the location was right.

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

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**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
APRIL 4, 2005**

A RESOLUTION TO APPROVE THE BUILDING OF A NEW PARK BUILDING

WHEREAS, Superior Charter Township owns a building at the corner of Prospect and Clark which was purchased from funds and grants assigned to the Park Fund; and

WHEREAS, for many years the Utility Department has been renting office space in the building as it is the best location in the Township for the convenience of Utility customers when paying bills or for other Utility Department business; and

WHEREAS, the location of the building has not been the most convenient for residents who wish to use the building for Park/Recreation purposes; and

WHEREAS, the Township owns land at the corner of Harris and MacArthur (Fireman's Park) which is in the middle of the residential area within safe walking distance for many citizens which would be an ideal location for a Park Building; and

WHEREAS, the present Park Building is not large enough to accommodate the growing needs of the Utility Building; and

WHEREAS, the present Building is not large enough to accommodate the growing needs of the Park Department; and

WHEREAS, the sensible course of action for the Township Board is to have the Utility Department expand into the entire present Park Building and for the Park Department to build a new building at the Fireman's Park site; and

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board authorize the Utility Department to expand their offices into the entire present Park Building and transfer \$400,000.00 to the General Fund to build a new Park Building; and

BE IT FURTHER RESOLVED, that the Superior Charter Township Board authorize the architectural firm of Hitch, Inc, in conjunction with the Township Engineers, OHM, to design and prepare bid documents for a 40x80 one-story block building containing a 40 x 52.8 square foot general purpose room, two handicapped accessible restrooms, a food warming room, an office, plus utilities and storage on the Fireman's Park site, including

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the site work, for a total cost not to exceed \$400,000.00 from the Utility Fund. If additional funds are required, the excess will come from the General Fund, not to exceed \$430,000.00.

Roll call vote:

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

Nays: None

The motion carried.

**H. RESOLUTION SUPPORTING WASHTENAW COUNTY
PURCHASE OF DEVELOPMENT RIGHTS**

Terry Brinkman, Principal Planner of the Washtenaw County Department of Planning and Environment, requested that Superior Township support the County's application for the State Purchase of Development Rights (PDR) Matching Grant Program by adopting a resolution of support and amending the Superior Charter Township Growth Management Plan Map 4-6 so that it says "Agricultural Preservation" or "Agricultural Lands Preservation" or "Farmland Preservation".

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
APRIL 4, 2005**

**A RESOLUTION SUPPORTING THE WASHTENAW COUNTY PURCHASE OF
DEVELOPMENT RIGHTS PROGRAM**

WHEREAS, protecting agriculture and farmland is important to our community because it contributes to our high quality of life and enhances our unique sense of place; and

WHEREAS, agriculture and farmland is an invaluable natural, economic and aesthetic resource that provides benefits to the residents of our community and the greater Washtenaw County area; and

WHEREAS, the Washtenaw County and Superior Charter Township landscape is

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experiencing development pressure that threatens the viability of our agriculture and farmland resources; and

WHEREAS, the Washtenaw County Board of Commissioners has adopted a Purchase of Development Rights Ordinance that establishes a program to help county landowners and local units of government protect valuable agriculture and farmlands; and

WHEREAS, the Washtenaw County Purchase of Development Rights Ordinance is consistent with state and federal law; and

WHEREAS, according to the Washtenaw County Purchase of Development Rights Ordinance and the Michigan Agricultural Preservation Fund Board a local unit of government must pass a resolution authorizing participation in the County program to qualify for state agricultural preservation funds; and

WHEREAS, the Washtenaw County Purchase of Development Rights Ordinance will require local unit of government approval of landowner applications to the County program and that agriculture and farmland protection must be consistent with local and county comprehensive plans in order to avoid preserving land better suited for commercial, industrial or high-density residential development; and

WHEREAS, the Washtenaw County Purchase of Development Rights Ordinance offers a voluntary option for landowners interested in protecting their agriculture and farmland;

NOW, THEREFORE BE IT RESOLVED, that the Superior Charter Township Board authorizes participation in the Washtenaw County Purchase of Development Rights Program so its landowners have access to the Michigan Agricultural Preservation Fund;

BE IT FURTHER RESOLVED, that Superior Charter Township supports the efforts of the Washtenaw County Board of Commissioners in the preservation agriculture and farmland and encourages landowners who own land that should be preserved to apply to the County program.

Roll call vote:

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

Nays: None

The motion carried.

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**I. REQUEST PLANNING COMMISSION TO AMEND GROWTH
MANAGEMENT PLAN – MAP 4-6**

It was moved by Caviston, supported by McKinney, that the Superior Charter Township Board request the Planning Commission to amend the Growth Management Plan to make the changes necessary to comply with the Grant request from the Washtenaw County Department of Planning and Environment, probably just in the wording of the key on the map.

The motion carried unanimously.

**J. BIDS FOR PAINTING AND LOCKER ROOM FOR OLD FIRE
HALL AREA**

The Board approved renovations of the fire department area of the Township Hall in March, but the bid did not include painting. The Supervisor added a locker room for the sheriff deputies and a secure door to the plan for the renovation and that was not included in the original bid either. Two bids were received for each additional project.

Green asked how the bids were posted. He wanted to be sure that every contractor had an equal chance to bid.

It was moved by McKinney supported by Caviston, that the Superior Charter Township Board accept the bid from Boelter Painting Service to patch, caulk, sand, prime, and paint the walls in the renovated area of the Township Hall for \$1,110.00; and accept the bid from David Zelisse Building to build a locker room and a more secure door for \$3,776.90.

The motion carried.

11. PAYMENT OF BILLS

It was moved by Caviston, supported by McKinney, that the bills be paid in the following amounts: General Fund - \$1,320.00 and Law Fund - \$715.00 for a total of \$2,035.00.

The motion carried.

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12. PLEAS AND PETITIONS

Ellen Kurath, 2203 Hickman Road, said that she arrived at the meeting to late to speak on the minutes for the March 21 meeting, but she would like it on record that when she was talking about the safety of electronic data and data bases, she just wanted us to be cautious. The Board agreed that her worry was justified.

13. ADJOURNMENT

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

The motion carried and the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Kay Williams, Clerk

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 of the minutes of the April 4, 2005 Superior Charter Township Board adopted at a regular meeting of the Superior Charter Township Board held on April 18, 2005.

Kay Williams, Superior Charter Township Clerk