

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
APRIL 21, 2008
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 21, 2008, 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 Lewis, supported by McKinney, to adopt the agenda as amended.

The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF APRIL 7, 2008

It was moved by McKinney, supported by Caviston, to approve the minutes of the regular Board meeting of April 7, 2008, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

A. SPARK PRESENTATION ON YPSILANTI INCUBATOR

James P. Gartin and Greg Fronizer of Spark gave a short presentation on Ann Arbor SPARK and the proposed Spark East Incubator Project. In 2007 SPARK funded 38 attraction/expansion projects which created 2,200 new jobs in the area resulting in \$28,000,000 in investments. This was accomplished in the Ann Arbor business incubator and the wet-lab on Plymouth Road. SPARK is planning on opening an incubator in Ypsilanti. Committed funding for the project so far is a 5-year commitment from Eastern Michigan University for \$60,000, a 5-year commitment from Washtenaw County for \$50,000, a one-year commitment from DTE for \$25,000. and a 3-year commitment from the City of Ypsilanti for \$5,000.

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Both Ypsilanti Township and Pittsfield Township have committed support, but have not yet committed funds. The Clerk asked that SPARK make a formal request in writing to the Board for consideration.

B. ANNUAL MEETING WITH THE WASHTENAW COUNTY ROAD COMMISSION

Wes Prater and Fred Veigel, Washtenaw County Road Commissioners, Steven Purri, Managing Director of the Washtenaw County Road Commission, Jim Harmon, Director of Operations, and Eric Long, District Foreman were present to discuss the Washtenaw County Road Commission Annual Report for 2007 road projects in Superior Charter Township and the suggested projects for 2008.

During 2007 the Road Commission spent \$281,028 on maintenance of primary roads and \$289,681 on local road maintenance in Superior Township. The Township had \$39,248 in matching funds. The Township share of matching funds for 2008 is \$29,887.

Eleven projects were proposed for consideration for the 2008 season along with a Township-wide limestone program and two applications of calcium chloride on the gravel roads. The Board will determine which projects at a later date.

C. OTHER CITIZEN CONCERNS – NON-AGENDA ITEMS

Caviston informed the Board about the Green Street Fair being held in Plymouth on May 3rd and 4th to help educate and inform people of all ages about the benefits of green, organic, and eco-friendly products and services.

7. REPORTS

A. SUPERVISOR

The Supervisor reported on four items:

1. The Sheriff Department invoices for the first three months of the year are still being reviewed as several mistakes have been found. So far the Township will be receiving deductions amounting to approximately \$40,000.
2. The Administrative Staff is working on a new agreement with Sycamore Meadows for funding their share of the apartment complex's designated police officer.

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3. The Supervisor complimented Brenda and the Utility Department for organizing the Township Walk and Utility Maintenance Facility Open House on April 19. A good time was had by all.
4. The Supervisor complimented Trustee Green for his contribution to the mentoring program being initiated by the Governor.

**B. DEPARTMENT REPORTS: UTILITY DEPARTMENT,
SHERIFF DEPARTMENT, ORDINANCE OFFICER,
YPSILANTI LIBRARY**

It was moved by Williams, supported by Green, that the Utility Department Report for March, the Sheriff Department Report dated April 10, 2008, the Ordinance Officer report for March/April, and the Ypsilanti District Library Report for March be received.

Sergeant Cook was present to answer questions about the Sheriff Report. He had charts and graphs to help show the response to incidents in the Township so far this year. The Board had many questions concerning the increase in incidents in the MacArthur Boulevard area. Sergeant Cook explained what the Sheriff Department was doing to mitigate the problems

The motion carried.

C. POST AUDIT 2007 BALANCE SHEETS

It was moved by Williams, supported by Caviston, that the 2007 Post Audit Balance Sheets for all funds except Utilities be received.

The motion carried.

8. COMMUNICATIONS

There were none.

9. UNFINISHED BUSINESS

A. AMENDMENT TO DISBURSEMENT POLICY

When the Board approved the Disbursement Policy at the April 7, 2008, meeting, some items for the Utility Department were inadvertently forgotten. The Board added the items and readopted the entire policy.

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

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**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
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**A RESOLUTION TO AMEND THE POLICY FOR THE PRE-
APPROVAL OF DISBURSEMENTS PRIOR TO BOARD APPROVAL**

WHEREAS on January 17, 1995, the Superior Charter Township Board established a policy exempting specified bills from presentation for Board approval prior to payment; and

WHEREAS the policy was established to ensure that the Superior Board of Trustees has proper supervision over the disbursement of Township monies, while also permitting the disbursement of routine or emergency expenditures without the direct bi-monthly approval of the Board of Trustees; and

WHEREAS the policy has not been revised or updated since that time; and

WHEREAS it is prudent to reconsider the items on the pre-approval list;

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board adopt the following policy for the pre-approval of disbursements prior to formal Board approval:

**POLICY FOR THE PRE-APPROVAL OF DISBURSEMENTS PRIOR TO FORMAL
TOWNSHIP BOARD OF TRUSTEES APPROVAL
APRIL 21, 2008**

All expenses that are not defined as pre-approved over \$1,000/item must be approved by the Superior Township Board of Trustees before payment is disbursed. The Accountant shall present a "Bills for Payment" list for each board meeting listing what needs to be paid from each fund.

Numerous purchases shall be considered pre-approved because they are either:

- a) allocated in the annual budget
- b) part of a larger contract
- c) necessary for the on-going operation of the Township

The following disbursements shall be defined as pre-approved:

Emergency repairs to Township buildings
Emergency repair to fire trucks or equipment

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Emergency repairs to Utility Department trucks or equipment
Emergency repairs or expenses dealing with water and sewer main breaks
Expenditures that were previously approved in a contract that do not exceed contract
Expenditures that were previously approved by the Board that do not exceed approved
limit
Monthly streetlight bill from DTE Energy
Refilling of the postage meter
Diesel fuel for the fire department
Heating bills
Monthly Staples office supplies bill (the individual purchases are approved by Twp
Officials)
Bi-Monthly Payroll (time sheets are approved by the Township Supervisor)
Health, dental & vision insurance (this is covered in the annual contract)
Fire Department Dispatch Services from Washtenaw County as approved in annual
contract
Monthly payment for contracted sheriff deputies from Washtenaw County
Employer portion of MERS Health Care Savings Plan as approved in annual budget
Inter-Fund Transfers as approved in annual budget
Transfers to Reserves as approved in annual budget
Road Maintenance & Repair as approved in annual budget
Publication of ordinances
Publication of Township Newsletter as approved in annual budget
AATA transportation services as approved in annual budget
Engineering and Planning expenses that will be billed to petitioners and are not a
Township expense
Bi-Monthly invoices from Building Fund contractual inspectors (Individual fees are
contracted)
Monthly bill from Ypsilanti Township Composting Site (Individual addresses are
monitored for excessive use)
Ypsilanti Community Utilities Authority Water and Sewer Bills
Ann Arbor Township Water and Sewer Bills
DTE Bills

Roll call vote:

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

Nays: None

The motion carried.

10. NEW BUSINESS

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**A. EXTRA SHERIFF PATROLS FOR MACARTHUR
BOULEVARD AREA**

The Sheriff Department was requested to place extra patrols on the area encompassing the two apartment complexes at MacArthur Boulevard. The purpose for these extra patrols is to concentrate on enforcement and quality of life issues related to but not limited to disorderly complaints, loitering, open alcohol violations, trespassing, narcotic sales, and traffic enforcement. The extra patrols will be four-hour overtime shifts and will concentrate on days with high concentration of activity generally between the hours of 4:00 p.m. to 8:00 p.m. or from 8:00 p.m. to midnight. The cost to Superior Charter Township will be \$456.00 per week for eight hours of extra service per week. There will be no cost to Superior Charter Township for supervision of these deputies. McFarlane has recommended that these extra shifts be approved to facilitate reducing the law enforcement problems in the area.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board concur the recommendation of the Supervisor and contract with the Washtenaw County Sheriff for two extra deputies to patrol in Danbury Park Manor and Sycamore Meadows for eight extra hours per week for four weeks at a cost of \$456 per week for a total of \$1,824.00.

Roll call vote:

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

Nays: None

The motion carried.

B. YPSILANTI POLICE DEPARTMENT CONTRACT SERVICES

The City of Ypsilanti was part of the Blue Ribbon Police Services Committee which considered alternatives to current police services which is in the case of Superior Charter Township, the Washtenaw County Sheriff Department. When the results of the committee's research concluded that a regional police department was not feasible, the City of Ypsilanti, which has its own police department, submitted a proposal to Superior Charter Township offering to provide police services to the Township in lieu of the Sheriff. The initial base cost of

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a police officer contracted from the City is \$110,000 per officer, which is considerably less than the current cost of a sheriff deputy. But when the added costs of overtime, dispatch services, supervision, other administrative costs, insurance and contract charges are factored into the total cost, the total comes to \$147,800. In addition, the contract areas would need additional equipment such as office supplies, telephone services, computers, gasoline for vehicles, etc. the final costs would be comparable to the costs of the current sheriff contract which is \$136,503.00 plus overtime averaging approximately \$11,000.00 per deputy in 2008.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board thank the City of Ypsilanti for submitting the Police Services Contract to Superior Charter Township for consideration, but the estimated costs of a police officer would not compensate for the disruption of changing our police service contract with the Sheriff Department.

The motion carried unanimously.

C. UNITED MEMORIAL GARDENS

Township Attorney Victor Lillich was requested to provide his opinion regarding options available for resolving ordinance violations and the lack of progress by United Memorial Gardens to complete site improvements. All permits and site plans related to proposed improvements have expired and United Memorial Gardens has no right to proceed with the project. Site plans were approved by the Planning Commission and permits issued on at least three (3) prior occasions since 1998, and on each occasion United Memorial Gardens failed to proceed with the project resulting in expired and/or cancelled site plans and permits. The apparent reason for such failures was due to fraud and theft by the owners of United Memorial Gardens. The half constructed mausoleums and crypts that were supposed to have been completed under the terms of the site plan and development agreement have been a blight and zoning site plan violation for many years. On December 18, 2006, when the Township instructed our attorney to proceed with an ordinance enforcement action and/or to recover on the performance bond posted for completion of the project, a court order was entered by the Ingham County Circuit Court to stay all legal actions against United Memorial Gardens, and a conservator was appointed by the court to manage and control United Memorial Gardens and 28 other cemeteries owned by the same owners who had apparently been bilking funds from all of the cemeteries. As a result of the stay of prosecutions and appointment of the conservator, no further enforcement

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action was taken to resolve the blight and zoning violations except to monitor the actions of the conservator to assure the Township's interests were preserved. The owners of United Memorial Gardens are now in jail awaiting trial for multiple counts of fraud and theft. In the mean time, the conservator has apparently been successful in finding a purchaser for United Memorial Gardens. The purchase is not yet complete because a disgruntled bidder is challenging the sale with an eye toward winning the right to purchase some or all of the cemeteries. The conservator believes that there is no merit to the challenge and expects to be able to complete the sale of United Memorial Gardens within a month to 60 days, assuming the sale is not further delayed by litigation.

On April 10, 2008, a meeting was held at the Township Hall with the conservator and the proposed purchaser of United Memorial Gardens. The new owner is willing to finish the project with what amounts to minor alterations in the previously approved site plans. Under the terms of the Township's Zoning Ordinance, the only way that the new owner could proceed is by making a new application and following all of the requirements for site plans and review as specified in the ordinance. Alternatively, because there are ongoing and continuing Zoning and Blight Ordinance violations, a lawsuit could be commenced which could result in a consent judgment to resolve all outstanding issues. The new owner has made assurances that if granted the right to proceed, the project would move forward in two phases to be completed within a year, and ordinance violations to be resolved before the end of the building season in 2008 as part of the first phase. The consent judgment option is favored by the conservator and the new owner due to the considerable bad history of United Memorial Gardens in its dealings with Superior Township. They are willing to put cash money into an escrow account which would be used to secure completion of the project. In the opinion of the Township Attorney a consent judgment would likely be the most expeditious and effective manner to resolve the Township's concerns and ordinance violations. The conservator and new owner would agree to pay the Township's legal expenses over the last year and a half as an incentive to resolve this matter quickly by a consent judgment which clearly spells out the rights and remedies of the parties. For the Township the benefits would include reimbursement of costs and attorney fees which would not likely be recoverable in any other forum; once a court order is entered it will be binding and enforceable against United Memorial Gardens in the event of any further failure on their part to complete the project as planned and approved; and the issues would likely be more expeditiously resolved because the consent judgment could be negotiated prior to closing the sale, and then upon closing the sale, assuming plans are approved, permits to proceed could be issued immediately.

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It was moved by McKinney, supported by Lewis, that the Superior Charter Township Board concur with the opinion of Township Attorney and, when ownership of the site is determined, direct the Attorney to begin the process of obtaining a Consent Judgment with the new owners of United Memorial Gardens that guarantees the payment of attorney fees, adheres to the approved site plan, includes bonds or letters of credit payable to the Township in the estimated amount of expenditures for the project to insure completion, and documents a time frame for completion.

Roll call vote:

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

Nays: None

The motion carried.

D. BUDGET AMENDMENTS

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board amend the 2008 Park Fund Budget as follows:

Increase the following line items:

508-000-699-000	Appropriation from Fund Balance	\$21,082.53
508-965-965-000	Transfer to Reserves	21,082.53

Roll call vote:

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

Nays: None

The motion carried.

E. RATE- PER-HOUR PAY ADJUSTMENTS FOR FIRE CHIEF AND FIRE MARSHAL

For several years both the Fire Chief and the Fire Marshal have been working above their base hours of twenty hours per week. In 2007 Chief Roberts worked 236.5 approved extended hours and Fire

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Marshal Dickinson worked 657.5 approved extended hours. They have both been paid the on-call fire-fighter part-time rate of \$17.50 per hour for these extended hours which is less than their regular hourly pay as figured from their yearly salary.

It was moved by McKinney, supported by Lewis, that the Superior Charter Township Board approve the setting of the rate-of-pay per hour for the Fire Chief and Fire Marshal at the straight time pay as figured from their yearly salary for all approved extended hours worked.

Roll call vote:

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

Nays: None

The motion carried.

11. PAYMENT OF BILLS

It was moved by Lewis, supported by Green, that the bills be paid as submitted in the following amounts: Utility Fund - \$1,487.68 for a total of \$1,487.68.

The motion carried.

12. PLEAS AND PETITIONS

Phillips said that the SEMCOG growth projections showed a significant decrease in the rate of population growth over the next 20 years and that the Growth Management Plan should be adjusted accordingly. Brenda Baker stated that the plan was adopted in 2004 and was considered a 5-year-plan, so that it should be reviewed next year in any event.

13. ADJOURNMENT

It was moved by McKinney, supported by Caviston, that the meeting adjourn. The motion carried and the meeting adjourned at 9:35 p.m.

Respectfully submitted,

Kay Williams, Clerk