

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
MAY 16, 2005
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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 May 16, 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, Nancy Caviston, Lisa Lewis, and David Phillips. Brenda McKinney and Rodrick Green were absent.

4. ADOPTION OF AGENDA

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

The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF MAY 2, 2005

It was moved by Caviston, supported by Williams, to approve the minutes of the regular Board meeting of May 2, 2005, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

- A.** Donnette Joseph, 1793 Sheffield, wanted the Board to know that she has been threatened by neighbors while running with her dog because the neighbors say that she is being cruel to the dog to make it run with her. The dog is a big dog and enjoys the run. McFarlane suggested that she talk to Sgt. Campbell, who was present, to resolve the issue.

B. 2004 AUDIT REPORT

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Ken Palka of Pfeffer, Hanniford & Palka attended the meeting to present the 2004 Audit of all funds. Palka complimented Keith Lockie, Utility Department Accountant, and Susan Mumm, Township Accountant, for doing a good job as always. He gave a special compliment to Rick Church, Utilities Director, for his active participation in the financial workings of the Utility Department as, in Palka's experience, most Directors do not want to be involved in the finances. Palka commended the Board and staff for good management. There are only two reports this year as the Auditors had no comments on the audit; they gave an unqualified opinion, which is the highest level given.

Susan Mumm and Rick Church were present to hear the praise.

Palka discussed the audit numbers with the Board and explained the new reports necessary because of the GASB requirements.

It was moved by Williams, supported by Caviston, that the 2004 Audit of All Funds be approved.

The motion carried unanimously.

7. REPORTS

A. SUPERVISOR

The Supervisor reported on five items:

1. The Sheriff road patrol remains an important issue. Whatever the ultimate decision by the County Board of Commissioners regarding funding for rural road patrol is, it will cost the Township more money. McFarlane thinks that keeping the Sheriff road patrols is the best option, but only if we can afford it. He would like to form a committee to investigate possible solutions. The charge would be to discover ways to cut the cost of each deputy and how to pay for additional costs. The Undersheriff, County Administration, Fire Chief, Neighborhood Watch Coordinator, Trustees Green and Phillips have already volunteered to serve on the committee. McFarlane would like to appoint four citizens from the community to serve as well.

It was moved by Caviston, supported by Lewis, that the Superior Charter Township Board establish a committee to investigate the

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options available to the Township for continued police service for the residents.

The motion carried.

2. The Federal Farm and Ranch Lands Protection Program has approved the application from the Southeast Michigan Land Conservancy to purchase the development rights to the 158-acre farm owned by Robert H. Schultz in the southeast quarter of Section 27 for \$1,300,000. This is a matching program and one half of the funds will need to be raised locally.
3. Lakeside Oakland Development, L.L.C, has purchased the Meyer's farm in Sections 21 and 22, a total of approximately 210 acres, as a wetlands mitigation site for a project in Oakland County.
4. The Geddes Road Corridor Study is ready for public hearing with the Board, Planning Commission, and the developers who funded the study. The hearing will be set for sometime in July. The Board was reminded that on June 9 there will be a joint Board/Planning Commission session on planning issues.
5. Our Township Engineers, OHM, have donated a new aerial photo map of the Township which was photographed in 2004. It will be mounted next to the 2002 map donated by Atwell Hicks so that citizens can see how the Township has changed.

Nancy Caviston left the meeting at this time.

**B. DEPARTMENTAL REPORTS : FIRE DEPARTMENT,
BUILDING DEPARTMENT, UTILITY DEPARTMENT, OHM
MONTHLY, PLANNING COMMISSION MONTHLY,
ASSESSOR'S REPORT, TREASURER'S OFFICE REPORT,
SHERIFF DEPARTMENT**

It was moved by Williams, supported by Lewis, that the Fire Department Report for April, the Building Department Report for April 2005, the Utility Department Report dated May 13, 2005, OHM Monthly Report dated May 11, 2005, the Planning Commission Monthly Report dated May 10, 2005, the Assessor's Report dated May 12, 2005, the Status Report for On-Line Tax Payment Program for 2004 from the Treasurer, and the Sheriff Department Report for April be received.

Sgt. Campbell was present to answer questions. He said that the report showed that the number of incidents was consistent with previous month. Because of the cool weather it is still rather slow.

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Phillips complimented the Assessor on a professional report. The assessors are working hard as proved by the results of the increased assessments.

The motion to receive the reports carried.

D. MARCH 2005 FINANCIAL STATEMENTS - ALL FUNDS

It was moved by Williams, supported by Phillips, that the Superior Charter Township Board receive the March 2005 Financial Statements for all funds: General, Fire, Law Enforcement, Parks and Recreation, Streetlights, Payroll, Trust and Agency, Utilities, Building, Side Street Maintenance, and Fire Construction Bond Fund.

The motion carried.

At this point in the meeting the Board moved to the Fire Fighters contract as Captain David Judson and Fire Fighter Jeffrey were present and could be called away for a fire run.

(10) NEW BUSINESS

A. FIRE FIGHTERS CONTRACT

The Fire Fighters Union and the Township negotiating team have been meeting for several months and have agreed on a proposed contract to be brought before the Board.

McFarlane spoke on the highlights of the contract. The Fire Fighters are receiving a 3% increase across the board, with the command officers receiving an additional 2% increase. The food allowance has been deleted and the retirement healthcare has been changed to the MERS Healthcare Savings Plan.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board authorize the Supervisor to sign the three year contract between the Township and Local 3292 of the International Association of Fire Fighters.

Roll call vote:

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Ayes: McFarlane, Williams, Lewis, Phillips

Nays: None

Absent: McKinney, Caviston, Green

The motion carried.

**B. RESOLUTION TO ENROLL THE UNION FIRE
FIGHTERS IN THE MERS HEALTHCARE SAVINGS
PLAN**

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

**RESOLUTION TO ENROLL THE UNION FIREFIGHTERS
IN THE MERS HEALTHCARE SAVING PLAN**

WHEREAS, the Township does not wish to renew the retirement health care package contained in the Union Firefighters Contract which expired 1-1-05 because it has created unanticipated problems regarding long term financial liabilities, budgeting, and financial reporting, and wishes to implement an alternative plan for accumulating funds for post-retirement health care,

WHEREAS the Township has the legal right to amend its personnel policies and employee benefit plans as necessary, so long as accrued benefits are not diminished and contract rights are not impaired,

WHEREAS the Township has been advised by its legal counsel that the scope and duration of public employee retirement benefits is contentious and is currently the subject of litigation, with certain legal issues being unresolved,

WHEREAS the Township prefers to resolve potential claims by negotiation and settlement wherever possible so as to avoid cost, delay and disruption, and not become involved in future litigation on this matter,

WHEREAS The Michigan Municipal Retirement System (MERS) is a reputable organization whom the Township also uses for its pension plans, and is offering a plan that appears to suit the Township's needs,

WHEREAS The Michigan Municipal Retirement System offers a great deal of flexibility in designing their Health Saving Plans enabling the Township to design a plan tailored to

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its needs and which will address the problems involved in transitioning from our former plan,

WHEREAS the Township has negotiated with the firefighters union to offer plan start-up money to certain employees in consideration of their release of legal claims associated with rescission of the previously offered Retirement Health Care Package,

WHEREAS the Township recognizes that a future change in Vesting Schedule could jeopardize the money employees receive as start-up money for the plan,

THEREFORE BE IT RESOLVED THAT, effective 7/1/05 Superior Township shall enroll all of its full-time union firefighters in the MERS Health Savings Plan with the following plan benefits:

Mandatory Employee Contribution:

As outlined in each employee's plan document (minimum 2%) to be amended no more than once annually.

Beginning first payroll after official adoption of this plan.

Employer Contribution:

\$100/month Beginning January 2006*

*Plan Start-up Money shall be given in 2005 in lieu of the

\$100/month.

The employer contribution shall be reviewed by the Board of Trustees during future Union Firefighter contract negotiations. The board may propose to increase the Township's annual contribution to compensate for inflation or increases in health care costs. The board shall also maintain the right to propose decreasing the Township's contribution, or freeze any raises, based on the financial position of the Township, or in light of expanded health care coverage by the federal or state government.

Vesting for Employer Money:

After completion of six years of full-time employment: 25%

After completion nine years of full-time employment: 50%

After completion of twelve years of full-time employment: 75%

After completion of fifteen years of full-time employment: 100%

The date of hire used to determine vesting schedule shall be the day the employee began full-time regular employment with Superior Township.

Current full-time employees who enter into release agreements shall have a lump sum of start-up money deposited in their accounts according to the following schedule, based on years of service as of 12/31/05.

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Years 1-2 of Service	\$ 1,200.00/year
Years 3-6 of Service	\$ 3,000.00/year
Years 7-10 of Service	\$ 5,500.00/year
Years 11-25 of Service	\$ 7,000.00/year

The date of hire used to determine this plan start-up money shall be the day the employee began full-time regular employment with Superior Township.

This plan start-up money shall be deposited within 10 working days from the date of adoption of this plan.

There shall be no additional deposit for the fiscal year 2005.

In order to receive the start-up money, employees must sign a Release in Settlement of Disputed Claims in a form approved by Township legal counsel, which states that in consideration of the start-up money being deposited in the employees account, the employee unconditionally releases the Township from future claims or litigation regarding this matter.

The Superior Township Board of Trustees hereby declares that the agreed upon vesting schedule of fifteen years shall be a binding contract between the Township and union full-time firefighters employed by the Township as of 6/1/05 not to be amended by future board action. The board reserves the right to change the vesting schedule applicable to employees hired after 6/1/05 subsequent to union contract agreement.

Roll call vote:

Ayes: McFarlane, Williams, Lewis, Phillips

Nays: None

Absent: McKinney, Caviston, Green

The motion carried.

8. COMMUNICATIONS

A. TRINITY PRESBYTERIAN CHURCH – LIGHT AT ANN ARBOR ROAD AND GOTFREDSON

Robert Pugh, Chairman of the Building and Grounds Committee of Trinity Evangelical Presbyterian Church has written to express concern about the lack of lighting at the intersection of Ann Arbor/Plymouth and Gotfredson

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Roads. On behalf of the Church he requests the Superior Charter Township Board to install a light at the intersection.

Williams noted that the area around the intersection has a lot of lighting. Plymouth Nursery is on the southeast corner, Geer School has security lights, the house to the north of Geer School has decorative lighting, and the Church itself has a lighted parking lot. Williams also noted that the Church does not pay any Township taxes, but receives Township services. She feels that if the Church wants to pay for the light, the Township can have it installed at Church expense.

Steve Chizek suggested that the letter be sent to the Road Commission.

It was moved by Lewis, supported by Phillips, that the Township receive the letter from Trinity Evangelical Presbyterian Church and send it to the Washtenaw County Road Commission.

The motion carried.

9. OLD BUSINESS

There was none.

10. NEW BUSINESS

A. PARKER FILL PERMIT

Michael Parker, 3801 Frains Lake Road, has been adding fill to his property on and off for many years. He applied for a fill permit in 2001, but a permit was never issued. Mr. Parker, who was present to answer questions, is planning on finishing the fill project by November 1, 2005.

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
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**A RESOLUTION TO GRANT A FILL PERMIT TO
MICHAEL PARKER AT 3801 FRAINS LAKE ROAD**

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WHEREAS, Michael Parker, 3801 Frains Lake Road, has applied for a permit to place clean fill on areas of his property, and

WHEREAS, Superior Charter Township Ordinance Number 147 requires that the Township Board issue such permits, and

WHEREAS, Mr. Parker has lived on the property since 1987 and will continue to live on the property, and

WHEREAS, the fill being brought in is from utility lines and building sites and consists of clay or other soil that cannot be compacted, and is not contaminated material, and

WHEREAS, only one piece of equipment, such as a farm tractor, backhoe, or dozer, will be used to spread the material, and

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board grant Michael Parker a fill permit on his property at 3801 Frains Lake Road without the normally required surety bond or irrevocable bank letter of credit with the following conditions:

1. The petitioner provides a current restoration plan for the filling of the property to the Township;
2. The petitioner shall pay for inspections by the Township Engineers or Building Official after the completion of the filling operations;
3. The petitioner provides proof of an active Washtenaw County Soil and Sediment Erosion Control Permit;
4. The petitioner provides proof of an active permit from the Washtenaw County Road Commission for any work in the right-of-way for Frains Lake Road.
5. The filling of the property and the restoration will be completed by November 1, 2005.

Roll call vote:

Ayes: McFarlane, Williams, Lewis, Phillips

Nays: None

Absent: McKinney, Caviston, Green

The motion carried.

B. APPOINT DEBORAH WARDELL TO PLANNING COMMISSION

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At the May 2 meeting the Board received Janie Jones' resignation from the Planning Commission. McFarlane recommended that Deborah Wardell, 1662 Harvest Lane, be appointed to fill the vacancy. Ms. Wardell was present at the meeting.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board concur with the recommendation of the Supervisor and appoint Deborah Wardell to the Planning Commission to fill the vacancy in the term ending February 28, 2006.

The motion carried.

**C. ORDINANCE 134-34 – VILLAGE GREEN DEVELOPMENT
– VC TO PC FIRST READING.**

The Village Green project proposes to redevelop the old Michigan Saddler building on Plymouth Road into a coffee shop and three other retail/office spaces. The applicant was advised by the Township Planner to rezone the property from VC (Village Center) to PC (Planned Community) because the PC zoning would allow the flexibility the project needs and eliminate some of the nonconforming characteristics of the existing building.

On May 4, 2005, the Zoning Board of Appeals granted four variances from yard and landscape requirements to allow the redevelopment of the non-conforming commercial building if construction begins before 270 days.

Scott Betzoldt from Midwestern Consulting, representing the applicant, described the project. The 4,200 square foot building will be redeveloped with a 2,000 square foot addition. Teresa Welch, owner of the property, was also present. There are issues to be resolved with the Road Commission and the shared driveway with Gibbons Antiques to the west of the site.

McFarlane said that the Township has requested the Road Commission to conduct a speed study on Plymouth Road through Dixboro which may lower the speed from 45 miles per hour.

The Township Board must waive the requirement of a 20-acre minimum lot area for a PC district.

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It was moved by Williams, supported by Lewis, that the Superior Charter Township Board waive the twenty (20) acre lot size minimum for Planned Community District zoning for the Village Green Development as the redevelopment of the parcel is compatible with the Dixboro community, and adopt the following ordinance for first reading:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
ORDINANCE # 134-34**

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 VC (Village Center) to PC (Planned Community):

Lots 1, 2, 21 and 22 in the NW section according to the Plat of the Village of Dixboro being part of the NW ¼ of Section 18, T2S, R7E, Superior Township, Washtenaw County, Michigan, as recorded in Liber A of Deeds, Page 272, Washtenaw County Records. Excepting that part of Lots 2 and 21 conveyed to Glenn Actin Marken and Velma Irene Marken by Warranty Deed dated April 29, 1944, and recorded May 2, 1944, in Liber 380 of Deeds, Page 117, Washtenaw County Records, being more particularly described as: Beginning at the SE corner of said Lot 1; thence S 88°24'05" W 167.44 feet along the North right-of way line of Plymouth Road (99 feet wide); thence N01°34'24" E 264.0 feet to a point on the South right-of-way line of Church Street (66 feet wide); thence N88°24'05" E 167.44 feet along said South right-of-way line of the Northeast corner of said Lot 22; thence S01°34'24" W 264.00 feet to the POINT OF BEGINNING. Containing 1.01 acres of land more or less. Subject to any and all easements or rights-of-way 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.

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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 May 16, 2005 and for final reading on June 6, 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, Lewis, Phillips

Nays: None

Absent: McKinney, Caviston, Green

The motion carried.

D. ADDITIONAL ROAD COMMISSION PROJECTS

At the Annual Meeting with the Road Commission on April 18, residents requested that Cherry Hill Road at Gale be repaired. The estimates were received as follows:

Cherry Hill bituminous overlay from Plymouth to the end of the pavement	\$63,700.00
Cherry Hill at Gale road – capping existing bituminous Approach	3,000.00

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board receive the estimates from the Road Commission and review the matter in July.

The motion carried.

E. CEMENT REPAIRS – RESIDENTIAL RESTORATIONS

The Utility Department requested approval for Quality Concrete to repair the concrete as needed from water and/or sewer repairs during the winter.

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It was moved by Williams, supported by Phillips, that the Superior Charter Township Board authorize Quality Concrete to repair the concrete which was damaged as a result of water/sewer repairs for \$3,952.00 at the following locations:

8671 Hemlock Court
1640 Sheffield Drive
1322 Stamford Road
8681 Deering Court

The motion carried unanimously.

F. WASHTENAW COUNTY EMERGENCY OPERATIONS PLAN

Superior Charter Township is a part of the Washtenaw County Emergency Management Program and, as such, needs to support the emergency operations plan for the Township. The Fire Chief has reviewed the plan and recommended that the Board approve it.

It was moved by Lewis, supported by Williams, that the Superior Charter Township Board authorize the Supervisor sign the Emergency Operations Plan for Superior Township.

The motion carried.

G. BUDGET AMENDMENTS

It was moved by Phillips, supported by Lewis, that the 2005 General Fund and 2005 Utility Fund Budgets be amended as follows:

General Fund

Increase the following line item:

101-101-719-000	Prior Year MESC Costs	\$7,038.97
101-000-699-000	Appropriation from Fund Balance	7,038.97

Utility Fund

Increase the following line items:

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403	Penalty Income	\$ 9,000
420-CO	Customer Call Out	5,000
420-Fee	Fees	1,000
420-Mis	Misc. other income	5,000
440-BA	Interest on Bank Accts	150,000
610	MERS Healthcare	9,000
652	Transportation	2,000
675	Depreciation	76,825
676	Postage	1,300
810-CR	Transfer to Capital Reserves	110,825
Decrease the following line item:		
810-BR	Transfer to Benefit Reserves	30,000

Roll call vote:

Ayes: McFarlane, Williams, Lewis, Phillips

Nays: None

Absent: McKinney, Caviston, Green

The motion carried.

11. PAYMENT OF BILLS

It was moved by Williams, supported by Phillips, that the bills be paid in the following amounts: Law Fund - \$1,085.70 for a total of \$1,085.70.

The motion carried.

12. PLEAS AND PETITIONS

The Board welcomed the honor student from Willow Run High School who attended the meeting.

13. ADJOURNMENT

It was moved by Williams, supported by Lewis, that the meeting adjourn. The motion carried and the meeting adjourned at 9:25 p.m.

Respectfully submitted,
Kay Williams, Clerk