

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 6, 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 June 6, 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, Rodrick Green, Lisa Lewis, and David Phillips. Nancy Caviston was absent.

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 MAY 16, 2005

It was moved by McKinney, supported by Williams, to approve the minutes of the regular Board meeting of May 16, 2005, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

Ellen Kurath stated that she was concerned about the police services as being discussed by the County government. She hopes that we don't end up with lots of little inefficient police departments. McFarlane answered that he didn't want that either and was working with the County and other townships to try to get the best possible service for the money.

7. REPORTS

A. SUPERVISOR

The Supervisor reported on five items:

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1. The storm on Sunday, June 5, caused power outages in the Township and residents were calling throughout the day. The strong winds blew down trees and wires which DTE is trying to repair.
2. The Silverman Development Company will be donating \$10,000.00 to Parks and Recreation for scholarships for the Summer Learning Camp.
3. A focus group will be meeting with Plante & Moran to discuss the incremental cost of a deputy sheriff on June 14.
4. The Supervisor reminded the Board of the Planning Workshop on Thursday at 6:00 p.m. at the Township Hall.
5. The Township has received a proposal from Biltmore Homes for a development that warrants a special newsletter. Because of the impact this proposal may have on the Township, the Township Board is proposing a public hearing on June 16 for residents' input prior to presentation to the Planning Commission. The property is the Eyde property north of Geddes, west of Leforge, which has been under an annexation threat for five years. In an effort to avoid a possible annexation fight, the Township is talking with Biltmore Homes, a developer with a proven track record of providing significant public benefit and keeping their promises. Biltmore is proposing a development for the Eyde land north of Geddes. The development would consist of 761 single-family homes and 56 four-unit multifamily buildings located around a nine-hole golf course. Two entrances from Geddes and two on LeForge are proposed. Through the planning process the Township would ensure that the Geddes Road corridor would continue to look as rural as possible while protecting to the greatest extent possible the rural character north of Vreeland Road. In return for providing sewer and water mains north of Geddes the developer proposes to purchase and give the Township the Pro-lime property. This would permanently end the threat of annexation with Ypsilanti and the Eyde Company. Biltmore has also secured 20 acres of land at the northwest corner of Prospect and Geddes which will be donated to the Township and will be use for municipal services, perhaps a fire station. In addition, Biltmore has secured the development rights on 225 acres of the Schultz farm east of Harris Road and north of Geddes Road. These rights in conjunction with the land already owned by the Superior Land Conservancy and in the Federal Farm and Range Preservation Program, will provide a permanent barrier to all the property north of Geddes from Prospect to Gotfredson and protect the center of the Township from development on sewer and water. Biltmore has also offered to purchase additional lands in the center of the Township along Prospect and either give the actual land or the development rights to the Township. We prefer getting the development rights as we can still tax the land at its agricultural value. The residents of Ann Arbor City, Ann Arbor Township, and Scio Township are taxing themselves to preserve open space; we would be acquiring 473 acres without burdening our residents with extra taxes.

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With the additional land preserved we will have a total of 2048 acres preserved, or stated another way, if this is approved, over 8% of our township will never be developed.

It was moved by McKinney, supported by Green, that the Superior Charter Township Board that the Board authorize the public hearing on June 16 at 7:30 p.m. at the Township Hall on the Biltmore/Eyde development proposal and to send a newsletter to the residents so informing them.

It was moved by Lewis, supported by McKinney, that the motion be amended to send the newsletter by first class mail.

The motion to amend carried.

The original motion to authorize the public hearing and the mailing of the newsletter carried.

**B. DEPARTMENTAL REPORTS : BUILDING DEPARTMENT,
ORDINANCE OFFICER, OHM MONTHLY REPORT, PARK
COMMISSION MINUTES**

It was moved by Lewis, supported by Phillips, that the Building Department Report for May, the Ordinance Officer Report for April-May-April, 2005, the OHM status report dated June 2, 2005, and the Park Commission minutes for April 25 and May 6, 2005, be received.

McKinney complimented OHM on their thorough and informative reports.

Phillips noted that the Building Department report showed that 83 permits for new homes have been issued so far this year which means that our bond payments are in good shape.

The motion to receive the reports and minutes carried.

8. COMMUNICATIONS

**A. FREDERICK LUCAS – ACO vs. SUPERIOR TOWNSHIP SETTLEMENT
CONFERENCE - SEPTEMBER 27, 2005**

Frederick Lucas, Attorney for the Township for ACO vs. Superior Township, wrote that the settlement conference for the case has been adjourned from July 5 to Tuesday, September 27, 2005, at 2:00 p.m. The trial has been adjourned from September 6 to Friday, October 28 at 9:00 a.m.

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It was moved by Williams, supported by McKinney, that the letter concerning the ACO vs. Superior Township settlement conference and trial be received.

The motion carried.

It was moved by Phillips, supported by McKinney, that McFarlane and McKinney represent the Township at the settlement conference.

The motion carried.

B. YPSILANTI MEALS ON WHEELS – THANK YOU FOR DONATION

The Ypsilanti Meals on Wheels sent a “thank you” letter to the Board for the \$2,150.00 donation to the program that provides hot, nutritious meals delivered to homebound elderly and disabled residents in Superior Charter Township.

It was moved by Williams, supported by McKinney, that the Board receive the letter of thanks from the Ypsilanti Meals on Wheels.

The motion carried.

9. OLD BUSINESS

A. ORDINANCE 134-34 – VILLAGE GREEN DEVELOPMENT – VC TO PC FINAL READING.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board adopt the following ordinance for final 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 are hereby amended by rezoning

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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.

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, McKinney, Green, Lewis, Phillips

Nays: None

Absent: Caviston

The motion carried.

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Phillips noted that exciting things are happening in Dixboro. McFarlane added that the residents were welcoming the changes.

B. PARK BUILDING LOCATION

The Public Hearing for the conditional use for the Park Building was held on May 25. About 50 residents from Brookside, especially the people from the homes behind Fireman's Park, spoke against the site. A petition in opposition with 89 signatures was presented to the Planning Commission. With the community concern, the Supervisor and Clerk suggested that the building not be located in Fireman's Park.

Preliminary discussion with members of the Park Commission suggests that an alternative site be Community Park across from Cheney Academy School. That site is not as central as Fireman's Park, but still within walking distance for many residents and has 18 acres which would still leave ample open space and enough room for the building.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board withdraw the petition for the Park Building at the Fireman's Park site, send a letter so informing the residents who sent letters or signed the petition in opposition to the site, and submit a petition for conditional use for constructing the proposed Park Building at Community Park with a letter being sent to residents on Stamford Road near the school and Panama Subdivision informing them of the plan.

McKinney said that she would take copies of the letter about Community Park to the apartment complexes for distribution.

Phillips commented that the proposed building should be in the subdivision area and that the Summer Learning Camp should be coordinated with the programs at Cheney Academy. He felt that the school should be used during the summer as the residents were paying a heavy tax burden to support the schools.

The motion carried.

10. NEW BUSINESS

A. MACEK FILL PERMIT

Kevin J. Macek of 4M Nursery owns a nursery at Ford and Berry Roads. In 2003 he did some filling without applying for a permit. After the Building Official checked the site, the Township Engineer also reviewed the area. There appears to be no pollution or illegal discharge, and although Macek is still moving dirt on the property, he has not done actual filling for two years.

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Mr. Macek was present to answer questions. Rhett Gronevelt, Township Engineer, had no issues with the site or the granting of the permit.

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
JUNE 6, 2005**

**A RESOLUTION TO GRANT A FILL PERMIT TO
KEVIN MACEK AT 9220 FORD ROAD**

WHEREAS, Kevin Macek has applied for a permit to place clean fill on areas of his property at 9220 Ford Road, and

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

WHEREAS, Mr. Macek has owned the property since 1984 and operates 4M Nursery on the property, and

WHEREAS, the fill was done in 2003 and has not been filled since, and

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board grant Kevin Macek a fill permit on his property at 2990 Ford 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;
3. The petitioner provides proof of an active Washtenaw County Soil and Sediment Erosion Control Permit for any subsequent filling;
4. Any new filling will require a new permit.

Roll call vote:

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

Absent: Caviston

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Nays: None

The motion carried.

B. MACARTHUR BOULEVARD NON-MOTORIZED TRAIL

Sealed bids were received on May 18 for the paving of an eight-foot wide asphalt non-motorized trail along the east side of MacArthur from Clark to Stanford. The Washtenaw County Park Commission is providing \$50,000.00 toward the cost of the project. Proposals were received from six bidders. The Township Engineers reviewed the bids and recommended that the contract be awarded to Washtenaw Maintenance Services, Inc. of Ypsilanti. McFarlane thanked the Township Engineers, OHM, for donating the work of designing the trail to the Township. Stanley Stewart, 1787 Manchester, said that the trail was a great idea and will benefit the neighborhood. Children getting off of the school bus will no longer have to walk in the street.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board authorize the Supervisor to sign the contract with Washtenaw Maintenance Services, Inc. to construct a non-motorized trail along the east side of MacArthur Boulevard from Clark to Stamford as specified in the bid document entitled "MacArthur Boulevard Non-Motorized Trail OHM Project # 0140-04-0070" for a total construction cost of \$84,515.82, with the total cost of the project to be \$97,515.82.

Roll call vote:

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

Nays: None

Absent: Caviston

The motion carried.

C. MTA ANNUAL DUES

It was moved by Lewis, supported by McKinney, that the Superior Charter Township Board authorize the payment of the Michigan Townships Association annual dues in the amount of \$5,288.34.

The motion carried unanimously.

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D. YPSILANTI CHAMBER OF COMMERCE DUES

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board authorize the payment of the Ypsilanti Area Chamber of Commerce annual dues in the amount of \$300.00.

The motion carried unanimously.

E. WASHTENAW COUNTY SOLID WASTE CONSORTIUM DUES

It was moved by McKinney, supported by Williams, that the Superior Charter Township Board authorize the payment of the Washtenaw County Solid Waste Consortium dues for solid waste management in the amount of \$75.00.

The motion carried unanimously.

F. UTILITY DEPARTMENT ENGINEERING ANALYSIS

The Township has been approached by Biltmore Properties to develop a residential subdivision on the "Eyde" property, which is proposed to be serviced with public water and sewer. The proposed development is not currently in the Township's Utility Service Area (UtSA). Whether or not the Township can feasibly provide water and sewer service to the proposed development is of significant concern to both the Developer and the Township to even consider this proposal.

At the request of the Supervisor, the Township's Utility Director, Rick Church, the Township Engineers, OHM, and the Developer have met to review this issue. Although the Township has been conducting studies of the water and sewer systems, none have addressed the specific question of expansion.

The Township, OHM, and Biltmore developed a work plan to have our engineers evaluate the system and consider options for accommodating this development, if they exist. Information and tools from previous Master Plans and capacity analyses will be utilized. A proposed work plan has been developed by OHM to begin studying the feasibility of expanding the UtSA to serve the proposed development. This work would be done at the Developer's expense, and would not begin until such time as an escrow is established at the Township to cover the costs of the proposal.

It was moved by Williams, supported by Phillips, that the Superior Charter Township Board authorize the Supervisor to sign the Eyde Property Utility Services Preliminary Engineering Analysis as proposed in the letter dated June 2, 2005, from Rhett Gronevelt, Township Client Representative from OHM, with the initial escrow amount of \$35,000 to be paid by Biltmore Homes, with the understanding that if the

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costs of the analysis exceeds the \$35,000, that OHM will meet with the Township and Developer to determine any adjustment or additional escrow fees.

Roll call vote:

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

Nays: None

Absent: Caviston

The motion carried.

G. BUDGET AMENDMENTS

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board amend the 2005 General Fund and Park Fund Budgets in the following amounts:

General Fund:

Increase the following line items:

101-191-727-050	Postage elections	\$1,000.00
101-191-740-000	Supplies elections	500.00
101-209-740-000	Operating supplies assessing	600.00
101-258-740-000	Operating supplies computer	8,000.00
101-265-980-000	Building/Grounds equipment	5,600.00
101-266-947-011	Growth Management Plan	1,500.00
101-446-866-000	Road Maintenance	8,874.00
101-266-947-014	Non-motorized trail	20,000.00
101-000-664-075	Tax collection interest	7,000.00
101-000-664-075	School interest/penalties	11,000.00
101-000-451-000	Election reimbursement	5,724.00
101-000-699-000	Appropriation/fund balance	11,850.00

Decrease the following line items:

101-258-980-000	Computer equipment	\$ 8,000.00
101-266-947-001	Insect control	2,500.00

Park Fund:

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Increase line item 508-755-930-001 – Controlled Burns by \$3,275.00
Decrease line item 508-755-704-000 – Seasonal Staff by \$3,275.00

Roll call vote:

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

Nays: None

The motion carried.

**H. RESOLUTION TO ALLOW INDIVIDUAL AGREEMENTS FOR MERS
HEALTHCARE SAVING PLAN**

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

JUNE 6, 2005

**A RESOLUTION TO ALLOW INDIVIDUAL
PARTICIPATION AGREEMENTS FOR EMPLOYEES FOR
THE MERS HEALTHCARE SAVINGS PLAN**

WHEREAS the Superior Charter Township Board adopted the MERS Healthcare Savings Plan on March 7, 2005, and

WHEREAS it is the Board wishes to reorganize employees into subgroups with different contribution amounts, and

WHEREAS the amendment to the Plan will not affect the Employer contribution, and

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board hereby approves individual participation agreements for employees for the MERS Healthcare Savings Plan; these participation agreements define employee groups by date of hire and will stipulate the mandatory salary deduction applicable to each employee. The employer contribution (excluding plan start-up money) is uniform for all employees.

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Roll call vote:

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

Nays: None

Absent: Caviston

The motion carried.

11. PAYMENT OF BILLS

It was moved by McKinney, supported by Caviston, that the bills be paid in the following amounts: General Fund - \$2,791.25 for a total of \$2,791.25.

The motion carried.

12. PLEAS AND PETITIONS

Phillips asked if Toll Brothers was going to pave the apron from Gale to Cherry Hill. No decision has been made.

13. ADJOURNMENT

It was moved by Williams, supported by McKinney, that the meeting adjourn. The motion carried and the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Kay Williams, Clerk