

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 19, 2006
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 19, 2006, 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 Caviston, supported by Phillips, to adopt the agenda as amended.

The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF JUNE 5, 2006

It was moved by Caviston, supported by Green, to approve the minutes of the regular Board meeting of June 5, 2006, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

Ann Robbins, 6100 Vreeland, was concerned that Allied Waste Services was adding a fuel recovery fee to resident's trash bills. She had an article from Allied's website saying that the fee went into effect May 1. The Board refused to allow a similar fee last year. McFarlane will look into the matter.

Michael David BenDor, 2820 Stommel, asked that an e-mail be sent to update citizens on the animal cruelty cases. Sergeant Archer said he would see that it was done.

7. REPORTS

A. SUPERVISOR

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The Supervisor had no items to report that were not already on the agenda.

B. DEPARTMENT REPORTS: FIRE DEPARTMENT, BUILDING DEPARTMENT, ORDINANCE OFFICER, SHERIFF DEPARTMENT.

It was moved by Williams, supported by McKinney, that the Fire Department Report for May, the Building Department Report for May, the Ordinance Officer Report for April/May, and the Sheriff Department report dated June 18, 2006 be received.

Sergeant Archer was present to discuss the Sheriff report.

On June 5 at 3:45 p.m. a car, which had been traveling at a high rate of speed, went off Cherry Hill Road just west of Gotfredson and hit a tree. The car caught on fire. Deputy Gorney and Deputy Howell put out the fire with fire extinguishers in their car, but when the fire started up again, they continued to extinguish the fire until the Superior Township Fire Department arrived and cut the victim from the car. However, he was badly burned and had to have his legs amputated.

McKinney asked Sergeant Archer about gang activity in the MacArthur area. Archer said that he saw no signs of gang activity in Superior Township. The COPS deputy does an excellent job and the managements of the apartment complexes have given the Sheriff Department trespass authority.

The motion to receive the reports carried.

C. UTILITY DEPARTMENT MAY FINANCIAL STATEMENT

It was moved by Caviston, supported by McKinney, that the Utility Department May Financial Statement for May 2006 be received.

The motion carried.

8. COMMUNICATIONS

A. YPSILANTI TOWNSHIP – RESOLUTION – RESTORE STATUTORY REVENUE SHARING

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At the regular meeting of the Ypsilanti Charter Township Board on June 6, 2006, a resolution was adopted requesting that the State restore statutory revenue sharing.

It was moved by Williams, supported by Caviston, that the resolution from the Ypsilanti Charter Township Board be received.

The motion carried.

9. UNFINISHED BUSINESS

There was none.

10. NEW BUSINESS

A. REVISED WASHTENAW COUNTY SHERIFF CONTRACT

At the December 5, 2005, meeting the Board approved a three-party Police Services Contract which was never signed by the Sheriff as he wanted a clause inserted acknowledging that he retained his constitutional authority. That clause has been inserted in the revised contract. Several area townships have refused to sign the contract for various reasons and they are currently in court with the County over police services. Meanwhile a contract similar to the one approved by the Superior Charter Township Board in December has been prepared by the County and both the County and the Sheriff have signed this new contract. The only difference between the two is the clause concerning the Sheriff's authority and the costs for 2008 and 2009 (which were just estimated in the previous contract) have been added.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board authorize the Supervisor to sign the revised Washtenaw County Police Services Contract which was signed by the County Administrator, Robert E. Guenzel on May 26, 2006, and by the Washtenaw County Sheriff, Daniel Minzey on June 7, 2006.

Roll call vote:

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

Nays: None

The motion carried.

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B. MAINTENANCE OF WELCOME SIGN AT PROSPECT AND CLARK

The entrance sign at Prospect and Clark is over 25 years old. It needs to be repainted. Huron Signs made the sign and will remove the sign, repaint and reletter it, and replace it for \$550.00. Fast Signs submitted a bid of \$232.00 to do the same work for \$232.00.

It was moved by McKinney, supported by Lewis, that the Superior Charter Township Board approve the proposal from Fast Signs to repaint and reletter the sign at Prospect and Clark for \$232.00.

The motion carried.

C. UTILITY DEPARTMENT PURCHASE OF COMMERCIAL LAWN MOWER

The Utility Department requested Board approval to purchase a Toro Groundsmaster 328-D 4WD commercial lawnmower from Spartan Distributors at a cost of \$17,117.83 for mowing approximately eight acres of lawn. Five of those acres are new lawn that the Department needs to maintain at the new water booster station at Clark and Leforge and the new Utility Maintenance Facility. The Department currently owns a small walk-behind mower that was purchased "used" from the Parks and Recreation Department eight years ago. Parks currently owns three of the Groundsmaster mowers and have had excellent experience with both the performance of the equipment and the service they have received from Spartan Distributors. The Park Department has acquired more park land and does not have the time or staff to do extra mowing for the Utility Department.

The State of Michigan secures state contracts directly with manufacturers for equipment and vehicles that will be purchased for governmental use. The pricing level is based on purchasing in bulk and has already been through the bid process so the lowest price would be obtained. The current State contract, #071 B 1001610, includes the specific mower the Department would like to purchase. Through the contract, the price has been reduced by 33% from the manufacturer's suggested list price. Funds for this purchase are available in the

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Capital Reserves account.

It was moved by Lewis, supported by McKinney, that the Superior Charter Township Board approve the purchase of a Toro Groundsmaster 328-D 4WD commercial lawnmower from Spartan Distributors at a cost of \$17,117.83 for the Utility Department.

Roll call vote:

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

Nays: None

The motion carried.

**D. STATE REVOLVING FUND GRANT APPLICATION
PRESENTATION AND RESOLUTION**

Sections of the Superior Township Sanitary Sewer system have historically experienced high levels of Inflow and Infiltration (I/I). The I/I in the system is introduced by groundwater and surface water runoff that finds its way into the sanitary sewer. In the past, the I/I has led to Sanitary Sewer Overflow (SSO), and although the overflows are not experienced today, the I/I is utilizing sewer capacity, and eventually needs to be eliminated as much as possible. The Utility Department's Capital Improvement Program has some projects identified that are focused at addressing I/I issues, based on existing studies and information, and some work has already been completed based on those studies. However, the recent metering efforts showed that the I/I levels have continued to increase in the past 5 - 6 years. When the existing sewer contract with YCUA expires, the sewerage rate may change to metered sewer use rather than water use. Excessive I/I would substantially raise the sewer rate.

The Michigan Department of Environmental Quality (MDEQ) administers a State program called the State Revolving Fund (SRF). This program funds low-interest loans to Michigan Communities for sanitary sewer related projects that will improve environmental conditions. Recently, the State created a subset of this program that made available \$40 Million in Grant Funds to Michigan communities. The S2 Grant funds are available with only a 10% match from the community for conducting sewer system evaluation, planning, and design engineering that are necessary to initiate projects for application to the SRF Program. The Grant availability

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presents a great opportunity for the Township to conduct a thorough system evaluation and prepare a long-term maintenance program focused at reducing I/I in the system, as well as prepare applications to apply for some project construction funding through the SRF Loan Program.

The Utility Department has worked with OHM to prepare an evaluation plan and the necessary S2 Grant Application. The primary stipulation to the Grant is that, if awarded, the Township must follow through with the necessary steps to apply for funds from the SRF Loan program to carry out recommended activities within 3 years. If the Township does not, all Grant monies received must be paid back, with interest. This is because the Grant Program is intended to promote the use of the SRF.

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

**Charter Township of Superior
County of Washtenaw
Resolution Authorizing the S2 Grant Agreement**

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 P A 451, as amended ("Part 52"), provides at MCL 324.5204a that the Michigan Municipal Bond Authority (the "Authority") in consultation with the Michigan Department of Environmental Quality (the "DEQ", collectively with the Authority, the "State") shall establish a strategic water quality initiatives grant program to provide assistance to governmental units to complete the application for a loan under the State Revolving Fund ("SRF") program or Strategic Water Quality Initiatives Fund ("SWQIF") program; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended (the "Act"), Part 52, and other applicable provisions of law, the Authority, the DEQ, and a governmental unit (the "Governmental Unit") that is a grant recipient shall enter into a grant agreement (the "S2 Grant Agreement") that requires the Governmental Unit to repay the grant under certain conditions as set forth in MCL 324.5204a; and

WHEREAS, the Governmental Unit does hereby determine it necessary to undertake planning and/or design activities related to a future project for which an SRF or SWQIF loan will be sought; and

WHEREAS, it is the determination of the Governmental Unit that at this time, a grant in the aggregate principal amount not to exceed \$247,500.00 ("Grant") be requested from the Authority and the DEQ to pay for the planning and/or design activities; and

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WHEREAS, the Governmental Unit shall obtain this Grant by entering into the S2 Grant Agreement with the Authority and the DEQ:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. William McFarlane and Kay Williams are each designated as Authorized Representatives for purposes of the S2 Grant Agreement.
2. The proposed form of the S2 Grant Agreement between the Governmental Unit and the State (attached hereto as Appendix I) is hereby approved and the Authorized Representative is authorized and directed to execute the S2 Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.
3. As stated in the S2 Grant Agreement, the Grant shall become a repayable obligation (the "Repayable Obligation") if any of the following occur:
 - (a) the Governmental Unit fails to submit an administratively complete loan application for assistance from the SRF or the SWQIF for the project within 3 years of the Grant award;
 - (b) the project has been identified as being in the fundable range and the Governmental Unit declines loan assistance from the SRF or the SWQIF in that fiscal year; or
 - (c) the Governmental Unit is unable to, or decides not to, proceed with constructing the project or opts to finance construction by means other than a loan from the SRF or the SWQIF.
4. The Governmental Unit hereby pledges its limited tax full faith and credit for payment of the Repayable Obligation subject to applicable constitutional, statutory and Governmental Unit tax rate limitations.
5. The Governmental Unit shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for general local government administrative activities or activities performed by municipal employees.
6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the State in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the State or as may be otherwise necessary to effect the approval and delivery of the Grant.

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7. The Governmental Unit acknowledges that the S2 Grant Agreement is a contract between the Governmental Unit and the State.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

Kay Williams, Township Clerk
Charter Township of Superior, County of Washtenaw

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Trustees of the Township of Superior, County of Washtenaw, State of Michigan, at a regular meeting held on June 19, 2006, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Kay Williams, Township Clerk
Charter Township of Superior, County of Washtenaw

Roll call vote:

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

Nays: None

The motion carried.

An agreement for the scope of the study by an engineering firm must accompany the grant application.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board authorize the Supervisor to sign the Proposal for Engineering Services by OHM for Sanitary Sewer System Inflow and Infiltration Removal for \$275,000.00 contingent upon receiving the State Revolving Fund Project Plan Grant for \$247,500.00

Roll call vote:

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

Nays: None

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The motion carried.

E. CVS REQUEST TO WAIVE MINIMUM LOT AREA FOR PC DEVELOPMENT AT PROSPECT AND CLARK

Velmeir Companies, the developer for CVS Pharmacy being proposed at Clark and Prospect, requested a waiver to the 20 acre minimum lot area requirement for a Planned Community District. The waiver was requested because (1) the subject site's has an unusual shape and fronts on two collector roads, (2) CVS is combining two parcels with two different zoning districts (C-2 and R-3), and (3) the development will provide extensive buffering of the adjoining parcels.

Several members of the audience were concerned that the waiver was being requested before the Planning Commission had held a public hearing on the rezoning. The timing for the granting the waiver does not affect the Planning Commission decision. Other audience questions concerned the actual rezoning to a Planned Community. The Board would rather see a Planned Community District than a simple commercial rezoning as there is more control with PC districts which require development agreements.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board grant the waiver of the 20 acre minimum lot area requirement for a Planned Community District for Velmeir Companies, developer of the CVS Pharmacy proposed for the northwest corner of Clark and Prospect Roads in Section 33 of Superior Charter Township.

Roll call vote:

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

Nays: None

The motion carried.

F. TOWNSHIP PARKING LOT RESEALING

The parking lot at the Township Hall is cracking and will deteriorate beyond surface repair if not fixed soon. The Front Office Administrative Assistant procured three bids for the job and S&J Asphalt Paving was the least expensive.

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It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board authorize the Supervisor to sign the bid from S & J Asphalt Paving Company to hot rubberized crack fill, seal coat, and stripe the north and south parking lots of the Township Hall site for an estimated \$2,235.00.

Roll call vote:

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

Nays: None

The motion carried.

G. RESOLUTION HONORING PASTOR JERRY HATTER

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

JUNE 19, 2006

A RESOLUTION HONORING PASTOR JERRY HATTER

WHEREAS Jerry Hatter has been Pastor of Brown Chapel AME Church since August 1991, and

WHEREAS Pastor Hatter has served on many Boards and Commissions which benefit the entire Ypsilanti/Superior community, and

WHEREAS Pastor Hatter was elected Pastor of the Year by the Michigan Conference Lay Organization, and

WHEREAS the Ypsilanti area has been served well by the many contributions of time and caring by Pastor Hatter, and

WHEREAS Pastor Hatter has many Superior Charter Township residents that he has assisted in positive ways enriching their lives,

NOW, THEREFORE, BE IT RESOLVED that the Superior Charter Township Board thanks Pastor Jerry Hatter for his fifteen years of service to the greater Ypsilanti area and

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his efforts which have helped to make our Township Superior.

William McFarlane
Supervisor

Brenda McKinney
Treasurer

Kay Williams
Clerk

Roll call vote:

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

Nays: None

The motion carried.

H. CANCEL JULY 3 BOARD MEETING FOR HOLIDAY

It was moved by Williams, supported by Caviston, that the July 3 Township Board meeting be cancelled because of the Independence Day Holiday.

The motion carried.

11. PAYMENT OF BILLS

It was moved by Caviston, supported by McKinney, that the bills be paid in the following amounts: Utilities Fund - \$16,025.96 for a total of \$16,025.96.

The motion carried.

12. PLEAS AND PETITIONS

Ellen Kurath, 2203 Hickman, was concerned about the wild parsnip growing along Cherry Hill. It is a problem as it is growing on private property and the home owners do not want it sprayed with weed killer.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board retire to executive session with Attorney Fred Lucas concerning pending litigation regarding Rock Estates.

Roll call vote:

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

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Nays: None

The motion carried and the Board retired to Executive Session 8:45 p.m.

It was moved by Caviston, supported by Phillips, that the Board return to regular session.

The motion carried and the Board returned to regular session at 9:00 p.m.

13. ADJOURNMENT

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

The motion carried and the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Kay Williams, Clerk