

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JULY 17, 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 July 17, 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, Lisa Lewis, and David Phillips. Rodrick Green was absent.

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 JUNE 19, 2006

It was moved by Caviston, supported by McKinney, to approve the minutes of the regular Board meeting of June 19, 2006, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

There was none.

7. REPORTS

A. SUPERVISOR

The Supervisor reported on four items:

1. The revenue for next year's General Fund budget will be less than this year. While State Shared Revenue will remain at this year's level, the cable fees will probably end.

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2. The Law Fund needs the proposed millage increase to meet the costs of the current Sheriff contract for 2007.
3. The budgeted amount for legal fees for the defense of lawsuits has been expended by 50%.
4. The Fire Department 2006 Budget is exactly at 50% despite a significant number of fire runs.

B. DEPARTMENT REPORTS: FIRE DEPARTMENT, BUILDING DEPARTMENT, PLANNING COORDINATOR, OHM MONTHLY, ORDINANCE OFFICER, PARK COMMISSION MINUTES

It was moved by McKinney, supported by Lewis, that the Fire Department report for June, the Building Department Report for June, the Planning Coordinator report for June, the OHM Monthly Report for June, Ordinance Officer Report for June/July, and the Park Commission minutes for the May 29, 2006 meeting be received.

The motion carried.

C. MAY 2006 FINANCIAL STATEMENTS - ALL FUNDS EXCEPT UTILITY

It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board receive the May 2006 Financial Statements for the following funds: General, Fire, Law Enforcement, Parks and Recreation, Streetlights, Payroll, Trust and Agency, Building, Side Street Maintenance, Fire Reserve Fund, and Fire Construction Bond Fund.

The motion carried.

8. COMMUNICATIONS

A. STANDARD & POOR'S – REAFFIRM THE TOWNSHIP AA-RATING

In a letter to the Treasurer dated June 21, 2006, the Standard & Poor's Rating Services reviewed the Superior Charter Township, Michigan, Limited Tax General Obligation Capital Improvement Bonds (SPUR) and affirmed the "AA-" rating and stable outlook.

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It was moved by Williams, supported by McKinney, that the Superior Charter Township Board receive the letter from Standard and Poor's reaffirming the Township's "AA-" bond rating.

Phillips said that the Board should watch the finances carefully as the area's financial situation is changing.

The motion carried.

9. UNFINISHED BUSINESS

There was none.

10. NEW BUSINESS

**A. ORDINANCE 134-43 – TEXT AMENDMENTS TO ZONING
ORDINANCE REGARDING LOCATION OF CELL TOWERS**

At the May 1 Board meeting the Board requested that the Planning Commission review the Zoning Ordinance in regard to the location of cell towers. The Commission discussed the issue, held a public hearing on proposed changes, and recommended approval of amendments to the Ordinance. Ellen Kurath had concerns about strobe lights on the towers.

It was moved by Williams, supported by McKinney, 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 # 134-43

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, is hereby amended as follows:

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Add new section as follows:

4.08(D)(11)

11. Commercial communication towers, subject to the provisions of Section 5.03 herein, in addition to the requirements of Article 6 (“Conditional Uses”) herein.

Amend Section 4.22(D) as follows:

4.22(D)

D. Permitted, Accessory, and Conditional Uses

Permitted, accessory, and/or conditional uses in a PC District shall be selected from those permitted, accessory, and conditional uses listed in the R-4, R-6, R-8, C-1, C-2, and O-1 Districts, subject to the limitations and restrictions of Paragraph C above. **Additionally, commercial communication towers shall be a conditional use in a PC District subject to the provisions of Section 5.03 herein, in addition to the requirements of Article 6 (“Conditional Uses”) herein.**

Amend Section 5.03(C)(2) as follows:

2. Location of Towers:

- a. No tower shall be located within two (2) miles of another commercial communication tower **unless it can be demonstrated by the applicant that there is a need for an additional commercial communication tower. The Planning Commission shall make the determination of necessity based on the technical requirements of the tower, the service needs of the Township residents, and other factors as may be appropriate on a case by case basis. The Planning Commission may employ specialized experts to review the data submitted by the applicant to support the location. The applicant shall incur all costs associated with such review. However, under no circumstance shall a commercial communication tower be permitted to locate less than one (1) mile from another commercial communication tower. This requirement may be waived in the sole discretion of the Township Board if one (1) of the following conditions are met:**

- ~~1) Communications apparatus is located on an existing tower or other structure capable of accommodating such apparatus; or~~

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- ~~2) — The tower is of an exceptional design so as to create a positive architectural and/or environmental feature which is compatible with the character of the surrounding area and community.~~
- b. No tower shall be located closer than ~~eight hundred (800)~~ two hundred (200) feet from the boundary of any Residential or Rural District, including any PC District incorporating residential uses.
 - c. A tower shall have a minimum setback from all property boundaries equal to the height of the tower.
 - d. Guys and accessory buildings must satisfy the minimum zoning district regulations.
 - e. ~~For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located irrespective of municipal and county jurisdictional boundaries.~~

SECTION II

This Ordinance shall be published by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superior-twp.org – pursuant to Section 8 of the Charter Township Act, being MCL 42.8, 3(b) 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 July 17, 2006 and for final reading on August 7, 2006. 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.

Roll call vote:

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

Nays: None

Absent: Green

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The motion carried.

B. ORDINANCE 134-44 – CVS REZONING – C2 & A2 TO PC

On June 28, 2006, the Planning Commission recommended that the parcels on the northwest corner of Prospect and Clark be rezoned to Planned Community to permit the building of a CVS Pharmacy.

John Bauman from Velmeir Companies and John Thompson from Atwell Hicks were present to answer questions and show proposed building elevations to the Board. The building will have a brick façade and landscaping on the corner of both roadways. CVS needs to get a variance from the Zoning Board of Appeals and the final reading of the ordinance will not be adopted until that is accomplished. They also agreed to install pedestrian crossways on Prospect and Clark, further they have offered to contribute to non-motorized trails to link to new trails in the future.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board adopt the following ordinance for first reading:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
ORDINANCE # 134-44**

CVS Area Plan

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 C-2 (General Commercial) to PC (Planned Community):

Parcel 1: A part of the Southeast $\frac{1}{4}$ of Section 33, T2S, R7E, Superior Township, Washtenaw County, Michigan, being more particularly described as :
Commencing at the Southeast corner of Section 33; thence S87°49'26" W 419.00

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feet along the South line of said Section 33 (Clark Road); thence N01°36'00"W33.00 feet to a point on the North right of way line of Clark Road, said point being the point of beginning; thence N01°36'00"W 315.00 feet; thence N87°49'26"E341.08 feet to a point on the westerly right of way line of Prospect Road; thence the following four (4) courses along said Westerly line: (1) along a curve to the right 66.43 feet, said curve having a radius of 797.63, central angle of 04°46'17" and long chord bearing S20°06'21"W 66.41 feet, and (2) S22°29'30"W139.06 feet, and (3) along a curve to the right 248.88 feet, said curve having a radius of 218.26 feet, central angle 65°19'56" and a long chord bearing of S55°09'28"W 235.61 feet, and (4) S87°49'26"W 62.69 feet to the point of beginning.

furthermore, that the following described property in Superior Township, Washtenaw County Michigan is hereby amended from the present zoning of R-3 (Single-family Urban Residential) to PC (Planned Community);

Parcel 2: A part of the Southeast ¼ of Section 33, T2S, R7E, Superior Township, Washtenaw County, Michigan, being more particularly described as:
Commencing at the Southeast corner of Section 33; thence S87°49'26"W 419.00 feet along the South line of Section 33 (Clark Road): thence N01°36'00"W 348.00 feet to the point of beginning; thence N01°36'00"W 104.00 feet; thence N87°49'26"E369.87 feet to a point on the westerly right of way line of Prospect Road; thence along said right of way on a curve to the right 108.27 feet, said curve having a radius of 797.63, central angle of 07°46'39" and long chord bearing S13°49'53"W108.19 feet; thence S87°49'26"W 341.08 feet to the point of beginning.

SECTION II

This Ordinance shall be published by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superior-twp.org – pursuant to Section 8 of the Charter Township Act, being MCL 42.8, 3(b) 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 July 17, 2006, and

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for final reading on August 7, 2006. 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, Lewis, Phillips

Nays: None

Absent: Green

The motion carried.

**C. CONTRACT FOR NON-MOTORIZED TRAIL ALONG
MACARTHUR**

The Washtenaw County Office of Community Development in conjunction with U.S. Department of Housing & Urban Development (CDBG) has authorized \$42,000 for extending the non-motorized trail along MacArthur which was built from Clark to Stamford in 2004. The Washtenaw County Park Commission will donate \$50,000 toward the same project and the Township will pay the balance from the Township General Fund. The extension will be an additional 2,700 feet of 8-foot wide trail. The work should be substantially completed on or before August 18, 2006.

Bids for the construction of the trail were sent out and three companies submitted bids: ABC Paving - \$110,733.25, Washtenaw Inc. Maintenance Services - \$116,515.85 and Al's Asphalt Paving - \$127,716.00. The Township Engineers, OHM, reviewed the qualifications set forth in the contract documents and determined that the low bidder, ABC Paving Company, is capable of performing the work. The Township Engineers, OHM, designed the trail as a public service to the Township, but will be administrating the project including inspections. The total cost will be approximately \$132,879.90.

The Board discussed the possibility of doing a part of the project in 2006 and the rest in 2007, but postponing part of the project may cost much more in the long run because with petroleum prices rising daily, the cost of asphalt may be substantially higher next year.

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It was moved by Williams, supported by McKinney, that the Superior Charter Township Board concur with the recommendation of the Township Engineers and accept the bid from ABC Paving Company for \$110,733.25 to extend the non-motorized trail along MacArthur from Stamford to the Timbercreek development.

Roll call vote:

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

Nays: None

Absent: Green

The motion carried.

D. CDBG BLOCK GRANT CONTRACT FOR NON-MOTORIZED TRAIL ALONG MACARTHUR

In order to receive the CDGB Block Grant funds the Township must approve an agreement with Washtenaw County.

It was moved by McKinney, supported by Williams, that the Superior Charter Township Board authorize the Supervisor to sign the Washtenaw County Housing Affordability and Community Development Agreement – Community Development Block Grant (CDBG Program) wherein the Township agrees to collaborate with the Office of Community Development to manage the public improvement project.

Roll call vote:

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

Nays: None

The motion carried.

E. SIDEWALK PROGRAM ENGINEERING FIRM SELECTED

The Township conducted a sidewalk repair program in 2001 and 2002. The policy adopted by the Board at the time the Sidewalk Ordinance was adopted stated that the sidewalks should be inspected every five years. In

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June the Board authorized the Clerk to request bids from area engineering firms to conduct the 2006-2007 sidewalk program.

Three Engineering Firms submitted proposals for the 2007 Sidewalk Program: OHM, Wade Trim, and Washtenaw Engineering. All three analyzed our Sidewalk Ordinance, toured the sites, and submitted proposals that met our criteria. All will prepare a master list: Wade Trim will prepare the letters to the homeowners with Township paying postage; OHM will hold an informational meeting. All will prepare invoices for the residents.

With minor differences of what and how they will accomplish the requested tasks, the three proposals will do what the Township needs. The major difference is cost. None can accurately give a definite cost because no one knows how extensive the project will be or how many homeowners will do their own work. But the anticipated costs are widely different:

OHM for phase 1 – Preparation and phase 2 – Construction	\$13,735.00
Wade Trim for Design Phase and Construction Phase	63,550.00
Washtenaw Engineering – Sidewalk Inspection, Construction Management, and Construction Inspection	57,000.00

It was suggested that the necessary funds for engineering costs be rolled into the resident's invoices, however, because the number of flags to be repaired will be insufficient to be equitably distributed, the General Fund will have to cover the cost of inspection.

It was moved by Lewis, supported by Williams, that the Superior Charter Township Board receive the three proposals for administrating the Sidewalk Program and authorize the Supervisor to sign the proposal from Orchard, Hiltz, McCliment, for the Sidewalk Inspection and Replacement Program 2006-2007 at an approximate cost of \$13,735.00.

Roll call vote:

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

Nays: None

Absent: Green

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The motion carried.

**F. GROWTH MANAGEMENT PLAN AMENDMENTS –
AGRICULTURAL LANDS PRESERVATION**

The Superior Charter Township Growth Management Plan needs to be amended to make certain lands eligible for the Michigan State Agricultural Lands Preservation Program which distributes grants for preservation. The grants require matching funds from the local area. The Planning Commission has created an overlay category for the Plan which includes land with the most desirable characteristics for preservation. The Planning Commission held Public Hearings on the proposed amendment and it was reviewed by neighboring townships and County Planning which found it consistent with contiguous local unit of government plans and the County Plan. The Superior Charter Township Planning Commission recommended adoption of the amendment.

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 amendment to the Superior Charter Township Growth Management Plan:

Agricultural Lands Preservation Overlay area

Within Superior Township are lands that continue to be suitable for long-term agricultural uses. The principal use characterized within these areas is primary crop and/or livestock production. These lands should not be considered land banks for future rural or urban development or as low density residential areas.

The lands designated for Agricultural Preservation were chosen in the central portions of the Township being primarily within Sections 11, 12, 13-17, 20-24, and 25-29 for the following reasons:

- The area is primarily comprised of prime agricultural soils according to the USDA-NRCS Washtenaw County Soil Survey.
- There are several 40+acre parcels in this area.
- The area is comprised mostly of active agriculture according to the 2000 Southeast Michigan Council of Governments land use inventory.

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- The area is comprised mostly of agricultural lands according to the Agricultural Lands Map, Figure 4-1 of the Washtenaw County adopted *A Comprehensive Plan for Washtenaw County*.
- In Section 26 there is a preserved farm under an agricultural conservation easement (PDR).
- P.A. 116 contracts exist in this area.

For these reasons, this area of Superior Township is designated within the *Agricultural Lands Preservation Overlay area*. The Agricultural Lands Preservation Overlay designation serves as an Overlay to Map 6-4 *Superior Township Future Land Use*.

In further recognition of these objectives, the “*Agricultural Lands Preservation Overlay area*” was selected in a manner:

1. To be non-exclusionary for potential interest by landowners in a PDR or other agricultural preservation option.
2. Where the township demographics indicate the lands contained inside the Agricultural Lands Preservation Overlay area provide the most potential for on-going or new agriculture activities.
3. To recognize that lands contained within the Agricultural Lands Preservation Overlay area are highly sought-after tracts for development.
4. To underscore continuity with adjoining communities which have also designated “agriculture preservation” goals.

Map 6-4 – *Superior Township Future Land Use* of the Growth Management Plan specifically identifies an overlay area of Superior Township where there is the largest concentration of ongoing farmland activities. Stable ongoing agricultural operations highly productive soils, large tracts of land, few non-agricultural land uses, and farms participating in P.A. 116 characterize this area.

Related to the Growth Management Plan and Map 6-4 – *Superior Township Future Land Use*, depicting the Agricultural Lands Preservation Overlay area, is the Township’s A-1 Essential Agricultural Zoning

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District. The purpose of this district is to preserve, for agricultural activity to the greatest extent possible, those areas in the Township which have been designated within the Agricultural Lands Preservation Overlay area in the Township's Growth Management Plan.

This A-1 district is intended to insure that land areas within Superior Township which are well-suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder agricultural practices and irretrievably deplete agricultural lands.

The Essential Agricultural District is intended to preserve lands that are suitable for long-term agricultural uses and to protect agricultural enterprises from encroachment by suburban and urban uses and developments. In addition, this district is intended:

1. to preserve woodlands and wetlands associated with farms which because of their natural physical features, are useful as water retention, surface water purification and groundwater recharge areas, and as habitat for plant and animal life; and which have important aesthetic and scenic value that contributes to the unique character of the agricultural district;
2. to provide the basis for land tax assessments that reflect its existing agricultural nature and, owing to these regulations, its limited use for other purposes;
3. to prevent the conversion of agricultural land to non-farm development which, when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture;
4. to protect farmland from speculative increases in land prices;
5. to prevent loss of farmland;
6. to prevent conflicts between agricultural activities and residences;
7. to prevent encroachment of urban and suburban services into agricultural areas;

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8. to encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production;
9. to reduce the amount of land consumed in rural areas for nonagricultural use;
10. to prevent intrusion into farm areas of uses which are incompatible with general farming activities; and
11. to permit services and uses which are necessary to support farming activities.

Residential subdivisions are incompatible with the intent of the Essential Agricultural District. Extension of public water and sanitary sewer service into this district shall be prohibited unless such service is necessary to address public health and safety issues of development existing at the date of adoption of the zoning ordinance.

Roll call vote:

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

Nays: None

Absent: Green

The motion carried.

G. SEMCOG ANNUAL DUES

It was moved by Lewis, supported by Caviston, that the Superior Charter Township Board pay the annual dues to the Southeast Michigan Council of Governments in the amount of \$1,780.00.

The motion carried.

H. WATS ANNUAL DUES

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It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board pay the annual dues to the Washtenaw Area Transportation Study in the amount of \$1,000.00

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 - \$3,997.50 and Utility Fund - \$2,898.75 for a total of \$6,896.25.

The motion carried.

12. PLEAS AND PETITIONS

There were none.

13. ADJOURNMENT

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

The motion carried and the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Kay Williams, Clerk