

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
JULY 21, 2008  
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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 21, 2008, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

**2. PLEDGE OF ALLEGIANCE**

The Supervisor led the assembly in the pledge of allegiance to the flag.

**3. ROLL CALL**

The members present were William McFarlane, Kay Williams, Brenda McKinney, Nancy Caviston, Rodrick Green, Lisa Lewis, and David Phillips.

**4. ADOPTION OF AGENDA**

It was moved by McKinney, supported by Caviston, to adopt the agenda as amended.

The motion carried.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF JULY 7, 2008**

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

The motion carried.

**6. CITIZEN PARTICIPATION**

There was none.

**7. REPORTS**

**A. SUPERVISOR**

The Supervisor reported that on Friday, July 18, DTE called the Sheriff Department to give them a 7-minute warning that the power to the traffic signals at the intersection of Plymouth Road and M153 (16 corners) would be turned off. The power was off for 12 hours resulting in the Sheriff Deputies directing traffic at the confusing intersection instead of being available for duty in the rest

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of the Township. There was an incident in the apartment complex and the Ypsilanti deputies had to respond as our deputies were directing traffic. The Road Commission would not put up signs to help direct the traffic. McFarlane will get a more detailed report from the Sheriff Department and then contact DTE for an explanation of the reason for the power outage.

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

It was moved by Caviston, supported by McKinney, that the Fire Department Report for June, the Sheriff Department Report dated July 7, 2008, and the Ordinance Officer report for June/July be received.

McKinney stated that John Hudson, the Ordinance Office, was doing an excellent job.

The motion carried.

**8. COMMUNICATIONS**

**A. DENNIS DONAHUE – INTEREST IN SERVING ON PLANNING COMMISSION**

Dennis T. Donahue, 2223 N. Prospect, expressed interest in serving on the Planning Commission. He feels he has the level of experience and expertise as well as a commitment to the Township which would be an asset to the Commission.

It was moved by Caviston, supported by Lewis, that the Superior Charter Township Board receive the letter from Dennis Donahue expressing an interest to serve on the Planning Commission.

The motion carried.

**9. UNFINISHED BUSINESS**

**A. ORDINANCE 173 – PEDDLERS ORDINANCE – FINAL READING**

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

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

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**ORDINANCE #173**

**PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS**

**Section 173-01. Title**

An ordinance to license and regulate peddlers, solicitors and transient merchants in Superior Charter Township.

**Section 172-02. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Canvasser* or *solicitor* means any individual, whether or not a resident of the Township, traveling from house to house, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person, who for himself, or for another person hires, leases, uses or occupies any building, structure, hotel room, apartment, shop, or any place within the Township for sole purpose of exhibiting samples and taking orders for future delivery.

*Peddler* means and includes any person, whether a resident of the Township or not, traveling from house to house carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruit, garden or farm products or provisions, offering and exposing same for sale or making sales and delivering articles to purchasers.

*Transient merchant, itinerant merchant* or *itinerant vendor* means any person, whether as owner, agent, consignee or employee, whether a resident of the Township or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the Township, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, hotel room, apartments, shops, or other place within the Township for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person who while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

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**Section 173-03. Enforcement of article.**

It shall be the duty of any police officer, officer of the county sheriff's department, or Township Ordinance Officer to require any person seen conducting business as a canvasser, solicitor, peddler, transient merchant, itinerant merchant or itinerant vendor, and who is not known by such officer to be duly licensed under this article, to produce his license and to enforce the provisions of this article against any person found to be violating the article.

**Section 173-04. Report and record of violations of article.**

Any police officer or Township Ordinance Officer shall report to the Township Clerk all convictions for violation of this article, and the Clerk shall record such reports in the record of licenses maintained pursuant to section 173-03.

**Section 173-05 License Required.**

It shall be unlawful for any person to engage in the business of a canvasser, solicitor, peddler, transient merchant, itinerant merchant or itinerant vendor, whether as an owner, employee or otherwise, within the boundaries of the Township, without first obtaining a license therefore issued in accord with the provisions of this article.

**Section 173-06. Application for License; contents.**

(a) Applicants for a license under this article shall file with the Township Clerk a sworn application, in writing and in duplicate, on a form to be furnished by the Township Clerk, which shall give the following information:

- (1) Name and description of the applicant;
- (2) The permanent home address and full local address of the applicant;
- (3) A brief description of the nature of the business, the place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed, and the proposed method of delivery;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) If a vehicle is to be used, a description of the same, together with the license number or other means of identification;
- (7) The names and addresses of at least two reliable property owners of the Township who will certify as to the applicant's good character and business responsibility, or in lieu of the names and addresses of references, other available evidence as to the good character and business

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responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;

- (8) A statement as to whether or not the applicant has been convicted of any felony, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore. The applicant shall provide current criminal histories on all personnel who will be traveling door-to-door.

(b) Each application filed under this section shall have attached thereto a photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which photograph shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.

**Section 173-07. Investigation of applicant.**

Upon receipt of an application for a license under this article, the Clerk shall forward copies of the entire application to the Zoning Official for review for compliance with the Superior Charter Township Zoning Ordinance, and to the Washtenaw County Sheriff's Department and request the Sheriff's Department to investigate the applicant's business and moral character in such a manner as deems necessary for the protection of the public. At the time of filing such application, the applicant shall pay a fee set by resolution of the Township Board to the Treasurer to cover the cost of such investigation.

**Section 173-08. Denial.**

If as a result of the Zoning Review and Sheriff's Department investigation provided for in section 173-07, the application does not comply with the Township's Zoning Ordinance and/or applicant's character or business responsibility is found to be unsatisfactory, the Clerk shall disapprove the application and state his reasons for the same, and shall notify the applicant that his application is disapproved and that no license will be issued.

**Section 173-09. Issuance of License; contents.**

If as a result of the investigation provided for in section 173-07, the character and business responsibility of the applicant are found to be satisfactory, the Clerk shall endorse on the application his approval, and upon payment of the prescribed license fee, deliver to the applicant his license. Such license shall contain the signature and seal of the Clerk and show the name, address and photograph of the licensee, the class of license issued and the kind of goods to be sold under such license, the amount of fee paid, the date of the issuance and the length of time the license shall be operative, as well as the license number and other identifying description of any vehicle used in peddling. The Clerk shall keep a permanent record of all licenses so issued.

**Section 173-10. Fee.**

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The fee for a license under this article shall be set by resolution of the Township Board. The Township Board may, at their discretion, exempt from this fee requirement recognized charitable or public organizations whose sole purpose is to raise funds for that organization or its program.

**Section 173-11. Term.**

Licenses issued under this article shall be valid for a term equal to the number of days for which the fee is paid pursuant to section 173-10.

**Section 173-12. Transfer.**

No license issued under the provisions of this article shall be used or worn at any time by any person other than the one to whom it was issued.

**Section 173-13. Exhibition.**

Canvassers, solicitors, peddlers, transient merchants, itinerant merchants or itinerant vendors shall exhibit their license at the request of any citizen.

**Section 173-14. Revocation.**

(a) Licenses issued under the provisions of this article may be revoked by the Township Clerk, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statements contained in the application for the license;
- (2) Fraud, misrepresentation or false statements made in the course of carrying on business as a canvasser, solicitor, peddler, transient merchant, itinerant merchant or itinerant vendor;
- (3) Any violation of this article;
- (4) Conviction of any crime or misdemeanor involving moral turpitude;
- (5) Conducting business as a canvasser, solicitor, peddler, transient merchant, itinerant merchant or itinerant vendor in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address, at least five days prior to the date set for hearing.

**Section 173-15. Appeal from denial or revocation.**

Any person aggrieved by the action of the Township Clerk in the denial of an application for a license, as provided in Section 173-08, or by the decision with reference to the revocation of a license, as provided in Section 173-14, shall have the right of appeal to the Township Board. Such appeal shall be taken by filing the

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appeal with the Clerk to appear before the Township Board, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Township Board shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in Section 173-14 for notice of hearing on revocation. The decision and order of the Township Board on such appeal shall be final and conclusive.

**Section 173-16. Michigan State Department of Agriculture permit for food; standards for vehicles and receptacles used in the sale of food.**

(a) *Permit required; standards to be met.* No person licensed under the provisions of this article shall sell any food, unless he has a permit to do so from the Michigan State Department of Agriculture. All vehicles and all receptacles used in the sale of food must meet the standards prescribed by the State Department of Agriculture.

(b) *Sale of unwholesome food or drink or defective merchandise.* No person licensed under the provisions of this article shall sell or offer for sale any unsound, unripe or unwholesome food or drink or any defective, faulty, incomplete or deteriorated article of merchandise.

**Section 173-17. Use of streets and other public places.**

(a) No person licensed under the provisions of this article shall have any exclusive right to any location in the public street, nor shall any person licensed under the provisions of this article be permitted a stationary location or fixed location or be permitted to operate in any congested area, or area generally open to the public (including any area designated for the parking of vehicles) within the Township, where his operations might impede or inconvenience the public. For purposes of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(b) No person licensed under the provisions of this article shall stop or remain in anyone place upon a street, alley, public place, or place generally open to the public (including any area designated for the parking of vehicles) within the Township longer than necessary to make a sale at the home of a customer wishing to buy. Any person licensed under the provisions of this article using a vehicle, when stopped, shall place his vehicle parallel to and as near as possible to the curb and shall depart from such place as soon as he has completed sales with customers actually present.

(c) The Township Board may, at their discretion, exempt the following from the stationary or "fixed stand" prohibition:

- (1) Recognized charitable or public organizations whose sole purpose is to raise funds for that organization or its programs.

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- (2) Those proposed operations (such as Christmas tree sales, firework sales, etc.) which are not to be, and shall not be, in existence for any period longer than 60 days each calendar year.

**Section 173-18. Unlawful entry of private residence.**

It shall be unlawful for any person licensed under the provisions of this article to enter a private residence in the Township under false pretenses for the purpose of soliciting orders for the sale of goods, wares, merchandise or personal service, or for the purpose of disposing of or peddling the same, or to go in or upon the premises of a private residence for such purposes, when the owner or occupant thereof has displayed a "no soliciting" sign on such premises.

**Section 173-19. Remaining in private residence after being requested to leave.**

It shall be unlawful for any person licensed under the provisions of this article to remain in a private residence, or on the premises thereof, after the owner or occupant thereof requests such peddler to leave.

**Section 173-20. Making of noise to attract attention.**

No person licensed under the provisions of this article shall shout, blow a horn, ring a bell or use any sound device, including any loud speaker, radio or sound amplifying system upon any of the streets, alleys, parks or other public places of the Township or upon any private premises in the Township where sound of sufficient volume is emitted or produced to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such person proposes to sell.

Roll call vote:

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

Nays: None

The motion carried.

**B. APPOINTMENT TO PLANNING COMMISSION**

The Administrative Staff reviewed the two candidates who applied for the open position to the Planning Commission. Representation by geography, diversity, and occupation were important considerations in the decision of the Supervisor in recommending Ms. Barbara J. Willis to serve on the Planning Commission.



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It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board concur with the recommendation of the Supervisor and appoint Barbara J. Willis, 1662 Harvest Lane, to the Planning Commission to fill the term ending on February 28, 2009.

The motion carried unanimously.

**10. NEW BUSINESS**

**A. ORDINANCE 174- ZONING ORDINANCE – FIRST READING**

It was moved by Williams, supported by Phillips, that the Superior Charter Township Board adopt the following Resolution to adopt the revised Zoning Ordinance for first reading:

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
JULY 21, 2008**

**A RESOLUTION TO ADOPT ORDINANCE 174 - SUPERIOR CHARTER TOWNSHIP  
ZONING ORDINANCE – REPLACING ORDINANCE 134**

**WHEREAS**, Superior Charter Township desires to promote the health, safety, convenience and general welfare of the residents of the Township, to preserve the unique character of the Township, and to provide for planned and orderly land use and development in accordance with the Township's Growth Management Plan, and;

**WHEREAS**, the Township initiated a process to prepare a comprehensive Zoning Ordinance update, and the Planning Commission directed the preparation of an initial draft of the updated Zoning Ordinance text; and

**WHEREAS**, the draft Zoning Ordinance text included updated formatting and layout for ease of use and readability; updates to site plan, conditional use, special district, and other zoning approval processes; new or updated standards for natural features protection, farm-based tourism and entertainment activities, intensive industrial operations, home occupations, landscape operations, and other land uses; new provisions for wind energy conversion systems and exterior lighting; updated standards for parking, signs, screening, performance guarantees, and development agreements; and other significant improvements; and

**WHEREAS**, the Planning Commission reviewed the draft Zoning Ordinance during a series of public meetings and directed the preparation of a Revised Draft Zoning

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Ordinance dated March 18, 2008; and as supplemented by changes made May 23, 2008, May 30, 2008, and June 19, 2008; and

**WHEREAS**, notices having been duly posted and published in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), the Planning Commission conducted a public hearing on April 23, 2008 to receive public comments on the Revised Draft Zoning Ordinance text; and

**WHEREAS**, following the public hearing, the Planning Commission considered and evaluated the input received from the community, and identified any appropriate corrections or changes to the Revised Draft Zoning Ordinance text; and

**WHEREAS**, at the regular meeting of the Superior Charter Township Planning Commission on Wednesday, June 25, the Planning Commission unanimously recommended that the proposed Superior Charter Township Zoning Ordinance be adopted by the Township Board; and

**WHEREAS**, the Superior Charter Township Board held a Work Session on July 9, 2008, review the proposed new Zoning Ordinance;

**NOW, THEREFORE, BE IT RESOLVED** that the Superior Charter Township Board hereby receives the unanimous recommendation from the Superior Charter Township Planning Commission and adopts for first reading the proposed new Superior Charter Township Zoning Ordinance, subject to the following changes being incorporated into the text of the draft Ordinance:

1. Revise Section 3.203 (Yard Standards) to add a new subsection "G" cross-referencing the watercourse and wetland setback requirements.
2. Revise Section 6.05 (Transient and Amusement Enterprises) by deleting the proposed Section 6.05 and replacing it with the following:

**Section 6.05 Transient and Amusement Enterprises.**

Circuses, carnivals, other transient amusement enterprises, music festivals, fundraising events, temporary gatherings of people, and similar for-profit or non-profit activities shall be subject to the following:

**A. Acceptance of Applications by the Township Board.**

Applications for approval of such activities shall be forwarded to the Township Clerk for review and acceptance by the Township Board. Upon a finding by the Township Board that the location of such activity will not adversely affect adjoining properties or adversely affect public health, safety, morals, or general welfare, the application shall be deemed to be accepted by the Township for review. Applications not accepted by the

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Board shall be returned to the applicant with a written statement of the Board's reasons for rejection.

The Township Board may require posting of a performance guarantee in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage resulting from operation of such activity. Such damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and shall be payable through such court.

**B. Approval of Non-Profit Activities.**

Activities operated by a permitted institutional use, public charity, or non-profit organization for the sole purpose of raising funds for that organization or its programs shall be permitted in any zoning district. subject to approval of a certificate of zoning compliance per Section 1.07 (Certificates of Zoning Compliance). A public charity or nonprofit organization shall include any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1943 r26 U.S.C. 501(c)(3)1, as incorporated by reference in Section 201 of the Michigan Income Tax Act (P.A. 281 of 1967, as amended).

**C. Approval of Other Activities.**

All other activities regulated by this Section may be permitted as a conditional use in any zoning district. subject to review and approval in accordance with Article 11.0 (Conditional Uses). Such activities shall further comply with the applicable standards of the Township's Outdoor Assemblies Ordinance (Ord. No. 23).

3. Revise Section 7.102D (Effect of Area Plan Approval) to clarify that new or additional information that affect aspects of an approved Area Plan (including permitted land uses and “maximum number of permitted dwelling units”) would require consideration of a major/minor change by the Planning Commission.
4. Revise Sections 7.301I, 7.302F, and 7.303G (Height Regulations) per the “consensus” change to clarify height limitations in the PC, MS, and PM Special Districts.
5. Revise Section 9.01 (Purpose) per Commissioner Guenther’s requested change to the purpose statement for the sign regulations.
6. Revise Section 10.05C (Planning Commission Action) per the “consensus” change to replace “or” with “and” in subsection “3.”
7. Revise Section 10.07 (Required Site Plan Information) per the “consensus”

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change to cross-reference Sections 14.05D and 14.05E, and to correct the slope percentage to 12%.

8. Revise Section 14.02D (Standards for Wireless Communication Towers) per the “consensus” change to list the zoning districts where such towers are permitted.
9. Revise Section 14.05 (Natural Features Protection) per several Commissioner’s comments to delete and replace subsection “A” (Scope) with separate “scope” statements for watercourses and wetlands, slopes, floodplains, groundwater recharge areas, and woodlands and tree preservation.
10. Revise Section 14.05A (Review Standards) to incorporate many of the suggested drafting changes made by Commissioner Guenther, and revise subsection 14.05A.5. to read as follows:
  - “5. Where natural features regulated by this Section are proposed to be altered or removed, the applicant has demonstrated that the applicant has considered and pursued all development options available under this Ordinance to preserve such features in a manner that would permit reasonable use and development of the land in accordance with this Ordinance and other Township ordinances.”
11. Revise Section 14.05B (Watercourses and Wetlands) as follows:
  - delete the “named” rivers and streams reference and a duplication regarding floodplains,
  - add standards for use and alteration of required open space setback areas,
  - add the following sentence to subsection 14.05B.3. (Setback from county drains): “If a river or stream is also designated as a county drain, the standards for rivers and streams shall apply.” and
  - revise the “watercourse” definition in Section 17.03 (Definitions) to match the definition used in the Township’s Wetlands and Watercourse Protection and Restoration Ordinance No. 135, as follows:

“**Watercourses.** Any waterway including a river, stream, lake, pond or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.”
12. Revise Section 14.05C (Slopes) to incorporate many of the suggested drafting changes made by Commissioner Guenther, to add a definition for “slope” to Section 17.03 (Definitions) that matches the linear distance reference in the definition for “steep slopes”, and to revise subsection 14.05C.C.3. to read as follows:
  - “3. Land areas with such slopes may be developed in accordance with this Ordinance, subject to the following:

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- a. Buildings may be built into such slopes, subject to the applicable requirements of the State Construction Code, other Township ordinances, and Township engineering standards.
- b. Cut and fill activities within existing and planned road rights-of-way, and for public utility and other public improvements, shall be limited to the minimum necessary to comply with the applicable engineering standards of the Township and outside agencies with jurisdiction.
- c. Retaining walls may be used to maximize preservation of existing slopes.
- d. Except as otherwise provided in the foregoing subsections of this Section 14.05C.3., the integrity and profile of the slope shall be maintained."

13. Revise Section 14.05F.7. (Landmark and sovereign tree standards) as follows:

- add a statement regarding use of clustering to preserve additional trees on a development parcel.
- Revise the sovereign tree minimum size standards to three (3) times the landmark tree minimum size standard for the same species.
- increase the replacement ratio (the number of replacement trees required per removed tree) to read as follows:

<b>Size of Removed Tree</b>	<b>Replacement Ratio (number of replacement trees per removed tree)</b>
<b>Coniferous (height)</b>	
Six (6) to ten (10) feet	three to one (3:1)
Ten (10) to 14 feet	four to one (4:1)
More than 14 feet	six to one (6:1)
Landmark coniferous tree	one (1) tree per foot of removed tree height
<b>Deciduous (D.B.H.)</b>	
Six (6) to ten (10) inches	three to one (3:1)
Ten (10) to 14 inches	four to one (4:1)
More than 14 inches	six to one (6:1)
Landmark deciduous tree	one (1) tree per inch of removed tree D.B.H.
<b>Sovereign (D.B.H.)</b>	
Sovereign tree	two (2) trees per inch of removed tree D.B.H.

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14. Revise Section 14.07A (Agricultural WECS Approval) to allow up to two (2) agricultural wind energy conversion system units (wind turbines) on a parcel greater than 40 acres in area; and to exempt “historical-style” AgWECS of limited size from the “neutral color” standard.
15. Revise Section 14.11 (Exterior Lighting) per the “consensus” change to correct a typo.
16. Replace the use of the terms “table” and “tabling” with “postpone” or “postponing” as appropriate in Section 10.05 (Planning Commission Action) and other applicable sections of the Ordinance.

Roll call vote:

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

Nays: None

The motion carried.

**B. 2008 ROAD COMMISSION PROJECTS**

The Washtenaw County Road Commission received and opened bids for the yearly requirements for slurry seal and hot mix asphalt overly programs. The slurry seal was approximately 22.5% over the original estimate of \$16,300 and is now at \$19,906. The hot mix asphalt is 23% over the original estimate. Arlington was estimated to cost \$66,600 and now will cost \$82,000. Nottingham was estimated to cost \$38,400 and will now cost \$47,300. The Supervisor recommended that the Board authorize the additional \$27,906.00 with the additional expenditure be taken from General Fund Reserves.

It was moved by Lewis, supported by McKinney, that the Superior Charter Township Board concur with the recommendation of the Supervisor and authorize the additional expenditure to the 2008 Washtenaw County Road Commission Contract with the new cost for the slurry seal for Tanglewood being \$19,906, for Arlington milling and overlayment being \$82,000 and for Nottingham milling and overlayment being \$47,300 with the additional \$27,906.00 to be allocated from the General Fund Reserves.

Roll call vote:

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

Nays: None

The motion carried.

**C. RESOLUTION – FEES FOR PEDDLERS ORDINANCE**

The Board adopted the Peddlers Ordinance which states that the Board will set fees by resolution.

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

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**JULY 21, 2008**

**A RESOLUTION TO ESTABLISH FEES PURSUANT TO ORDINANCE 173 –  
PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS ORDINANCE**

WHEREAS Ordinance 173 – an ordinance to license and regulate peddlers, solicitors, and transient merchants in Superior Charter Township requires peddlers, solicitors, and transient merchants to apply for and obtain a license for such activities;, and

WHEREAS Ordinance 173 requires fees for such applications and licenses to be set by Resolution of the Township Board;

NOW, THEREFORE, BE IT RESOLVED that the Superior Charter Township hereby establishes such fees as follows:

Fee at Time of Filing Application:   \$25.00  
Fee upon Issuance of License:        20.00

The Township Board may, at their discretion, exempt from this fee requirement recognized charitable or public organizations whose sole purpose is to raise funds for that organization or its program.

Roll call vote:

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

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Nays: None

The motion carried.

**D. AMENDMENTS TO PERSONNEL MANUAL**

Susan Mumm, Human Resources Administrator, has updated the Superior Charter Township Personnel Manual to incorporate the changes approved by the Board at various times in the last two years. The changes mostly deal with the prescription drug plan which is being phased out, and the MERS Health Care Savings Plan.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board amend the Superior Charter Township Personnel Manual as follows (changes underlined):

**Section 2.6 Medical, Dental, Vision and Life Insurance**

These benefits are provided to eligible full-time employees and their families. These benefits are not provided to part-time employees. An employee becomes eligible for health insurance the first day of the month following month of hire. There is currently no employee premium for health insurance. The Township reserves the right to implement employee premiums for insurance if costs become prohibitive. See the Human Resources Administrator for details of the various plans. The Township offers COBRA insurance coverage, as required by law, to employees and family members.

**Section 2.7 Option for Cash Payment in Lieu of Care Choices Medical Insurance**

**A.** A regular full-time employee of the Township is eligible for the Township's Priority Health Medical insurance for him/herself, spouse and dependent children. An employee may opt out of coverage for him/herself, and spouse, if he/she is covered under the health insurance plan of his/her spouse or other group plan coverage from retirement, severance, etc. The employee must provide proof of coverage under another group health insurance plan. The employee shall be compensated 40% of the cost of the family plan he/she was eligible for. This amount shall be paid in (26) equal payments each pay period as a taxable benefit. Employees choosing to opt out of the plan must state so in writing. Employees who opt out may rejoin the Priority Health Plan at a future date under various conditions: divorce, loss of employment by spouse resulting in loss of coverage, and during Priority Health's open enrollment period each year.

**B.** Employees with children who have health insurance coverage for their children from other sources i.e. through a divorce decree, Department of Human Services etc. may opt out of the family coverage and be compensated 40% of the difference between family coverage and coverage for themselves. This amount shall be paid in (26) equal payments



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each pay period as a taxable benefit. Such an employee may reinstate coverage for his/her children under the plan under certain conditions: Loss of coverage for the child, or during Priority Health's open enrollment period. The employee must provide proof of coverage for his/her children and state his/her choice to opt out of coverage for his/her children in writing.

**Section 2.8 Prescription Reimbursements**

The Prescription Reimbursement Plan where employees are reimbursed \$5.00 for all generic prescriptions filled and \$15.00 for approved name-brand prescription drugs has been discontinued as of March 1, 2008 due to prohibitive costs.

The Township shall provide the following transition plan because some Township employees have very high prescription costs which would make a sudden withdrawal of the Reimbursement Plan difficult for them financially. The transition plan is a three year plan as follows:

1. Starting on March 1, 2008, and for the remainder of 2008, any employee who incurs more than \$500.00 in prescription drug co-pays shall be eligible to receive a 50% reimbursement for all prescription co-pays above the \$500.00 up to a maximum payment of \$500.00. The employee must submit receipts for the \$500.00 of co-pays incurred. Employees who have reached the verified \$500.00 of co-pays shall submit reimbursement requests as follows: Two submittals for reimbursement per year maximum, and the both must be received by the accountant by January 31, 2009.
2. Starting on January 1, 2009, any employee who incurs more than \$600.00 in prescription drug co-pays shall be eligible to receive a 50% reimbursement for all prescription co-pays above the \$600.00 up to a maximum payment of \$300.00. The employee must submit receipts for the \$600.00 of co-pays incurred. Employees who have reached the verified \$600.00 of co-pays shall submit reimbursement requests as follows: Two submittals for reimbursement per year maximum, and the both must be received by the accountant by January 31, 2009.
3. Starting on January 1, 2010, any employee who incurs more than \$700.00 in prescription drug co-pays shall be eligible to receive a 50% reimbursement for all prescription co-pays above the \$700.00 up to a maximum payment of \$200.00. The employee must submit receipts for the \$700.00 of co-pays incurred. Employees who have reached the verified \$700.00 of co-pays shall submit reimbursement requests as follows: Two submittals for reimbursement per year maximum, and the both must be received by the accountant by January 31, 2009.

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4. No prescription drug co-pay costs incurred after December 31, 2010, will be reimbursed.

**Section 2.9 Pension Benefit**

**A.** The Township provides pension programs for permanent full-time employees and permanent part-time employees working at least twenty (20) hours/week.

**B.** Permanent part-time employees are eligible (the plan is optional) to participate in the John Hancock Defined Contribution Pension Plan beginning the 1<sup>st</sup> day of the month following the month of hire. In the John Hancock Plan employee contribution is 5% and the Township Contribution is 10%. An employee becomes vested after twenty (20) months of participation in the plan.

**Section 2.10 Retirement Health Benefits**

**A.** Beginning 5/1/05, full-time employees will be enrolled in the Michigan Municipal Retirement System (MERS) Health Care Savings Plan (HCSP) the first day of the month following month of hire. A Mandatory pre-tax deduction of 2% of the employee's gross regular pay is deducted from each paycheck.

**B.** Employees may opt to have a larger percentage of their pay, have the HCSP deduction apply to overtime and bonuses as well, and have a portion (or all) of their benefit time payoff upon separation from service contributed to the Health Care Savings Plan. Employees make an initial designation as to what percentage of their pay (and what types of pay they would like their deduction to apply to) by filling out a Health Care Savings Plan Option Form. This designation is binding and employees shall only be permitted to change the percentage of their deduction, or the types of pay this deduction shall apply to, during the Health Care Savings Plan "open enrollment period" which shall be November 1-15<sup>th</sup> each year.

**C.** In order to meet IRS guidelines for tax exemption on HCSP contributed money, the participation agreements for employees choosing the option of donating benefit time have to be written such that, if no election is made by a departing employee, 100% of their benefit time will be automatically contributed to the MERS Health Care Savings Plan. Therefore, instances could happen such that an employees could terminate their employment with Superior Township unexpectedly ( i.e. death, severe injury, etc) without filling out an election form designating what percent of their benefit time they wished to be paid in cash. This could inadvertently cause an employee's benefit time payoff to automatically be put into their MERS Health Care Savings Account when the employee would prefer to be paid in cash.

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Therefore, all employees who elect to have Mandatory Leave Conversion (the ability to donate benefit time) as part of the MERS Health Care Savings Plan Participation Agreements shall fill out a “default” election form stating what percentage they want be paid in cash for their sick, vacation and personal time, which shall be also signed by the Township Clerk. A copy of this signed election form shall be given to the employee and one kept in the employee’s personnel file,

**D.** All employee deductions are placed in the employee’s MERS HealthCare Savings Plan account. This account becomes assessable to the employee for IRS approved health care expenses for him/herself, spouse, and IRS dependents upon separation from service from Superior Township. It is also available during a medical leave of absence but only for the employee (not family members). There is no age requirement to use this money.

**E.** There is also a monthly employer contribution. As of 2008 it is \$110/month. This employer money is placed in employee’s accounts on a monthly basis but is subject to a vesting schedule. The vesting

Roll call vote:

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

Nays: None

The motion carried.

**E. WATS ANNUAL DUES**

The Washtenaw Area Transportation Study Committee requested that the Township remit the annual dues for the FY 2008-2009. There is not increase from the previous year.

It was moved by McKinney, supported by Green, that the Superior Charter Township Board authorize the payment of the annual dues for the Washtenaw Area Transportation Study in the amount of \$1,000.00.

The motion carried unanimously.

**F. HURON RIVER WATERSHED COUNCIL 2008-2009 WORK PLAN**

For the past twelve years the Middle Huron Initiative has been the forum for watershed partners to work together to meet state and federal

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requirements to reduce pollution in the middle Huron River and its tributaries. The effort has been funded by the partners. The work plan is complete and the former funding exhausted. A new two-year plan to reduce phosphorus loading to the middle Huron to meet the Total Maximum Daily Load for Ford and Belleville Lakes has been developed. The Huron River Watershed Council asked that the Township contribute \$3,200 to support the new plan to continue pollution reduction in the Huron River and its tributaries.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board authorize the Supervisor to sign the contract with the Huron River Watershed Council to fund the Project: Middle Huron Watershed Initiative at a cost not to exceed \$3,200.00.

Roll call vote:

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

Nays: None

The motion carried.

**G. MTA DISTRICT MEETING SEPTEMBER 10, 2008**

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board authorize members of the Township Board to attend the MTA Fall District Meeting in Ann Arbor on September 10, 2008.

The motion carried.

The Clerk requested that Board members let her know who is planning to attend by August 20 so that the cost would be at the early-bird rate.

**H. FIRE STATION #1 FLOOR REPAIRS**

Fire Chief Roberts has received correspondence from the claims adjustor, Karen Gonzales, for Indiana Insurance representing Davenport Brothers Construction concerning the apparatus floor repairs for Fire Station #1 which was not properly constructed when the building was built two years ago. Ms. Gonzales has offered \$73,087.05 to the Township to cover the costs of removing and replacing the existing epoxy coating on the floor. As the roof has been

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repaired, the repairing of the floor will complete the items on the punch list of things that need to be corrected for the building.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board authorize the Supervisor to sign the Release and Indemnification Agreement with Indiana Insurance Company to receive the \$73,087.05 for floor repairs for Fire Station #1 after review and approval of the Release Agreement by the Township Attorney.

Roll call vote:

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

Nays: None

The motion carried.

**I. THANK YOU LETTER TO ROAD COMMISSION FOR SUPERIOR/GEDDES ROUNDABOUT**

Geddes Road is now open. The Geddes/Superior Roundabout and the Geddes/Leforge Intersection Improvements are complete and traffic is moving well through both projects. The engineering staff at the Washtenaw County Road Commission worked diligently on the project to assure that all went well.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board send a letter to the Washtenaw County Road Commission thanking them and their project team under the direction of Mark McCulloch for their efforts in improving Geddes Road for the motoring public and insuring that the project was well designed, well executed, and completed in a timely manner.

The motion carried.

**11. PAYMENT OF BILLS**

It was moved by Caviston, supported by Green, that the bills be paid as submitted in the following amounts: General Fund - \$1,990.00 and Utility Fund - \$5,656.25 for a total of \$7,646.25.

The motion carried.

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**12. PLEAS AND PETITIONS**

Ellen Kurath asked that traffic counts be taken at the Geddes/Leforge intersection and the Geddes/Superior Roundabout to see if motorists changed their driving habits because Geddes was closed for two months.

**13. ADJOURNMENT**

It was moved by McKinney, supported by Williams, that the meeting adjourn. The motion carried and the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Kay Williams, Clerk