

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
AUGUST 1, 2005  
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**1. CALL TO ORDER**

The regular meeting of the Superior Charter Township Board was called to order by the Supervisor at 7:30 p.m. on August 1, 2005, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

**2. PLEDGE OF ALLEGIANCE**

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

**3. ROLL CALL**

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

**4. ADOPTION OF AGENDA**

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

The motion carried.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF JULY 18, 2005**

It was moved by Caviston, supported by Lewis, to approve the minutes of the regular Board meeting of July 18, 2005, as presented.

The motion carried.

**6. CITIZEN PARTICIPATION**

Ellen Kurath, 2203 Hickman Road, was concerned about the wild parsnip growing along Cherry Hill Road. McFarlane said that he had directed the Park Ranger to selectively spray the wild parsnip on the Township land, but did not have the authority to spray on private property. If Round-up is carefully sprayed on just the parsnip, it will not hurt the wetlands.

**7. REPORTS**

**A. SUPERVISOR**

The Supervisor reported on six items:

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1. Brad Patton, a former paid-on-call fire fighter for Superior Township and current fire fighter for Ypsilanti City, was killed on July 30 while driving a restored Duesenberg on Ford Road by a car that did not stop at a stop sign. His wife and 10-year-old son were also killed, and his two daughters were injured. The Pattons lived in Dixboro.
2. The Township formally responded to the Rock Ridge Estates petition to the DEQ for an on-site sewage disposal system for a 2000 unit manufactured home community in Sections 20 and 29. The DEQ will be holding a hearing in October. McFarlane said that whatever the DEQ decides, the matter will go to the administrative law judge. The Township can expect a long litigation process at great expense.
3. The Planning Commission has sent a letter requesting that the Township secure the views of counsel for a moratorium on any large development proposals in the range of 50-100 units for a brief period of time to allow the Planning Commission to assess the transportation, water and sewer issues.

It was moved by McKinney, supported by Green, that the Superior Charter Township Board authorize the Supervisor to consult the Township attorney concerning the feasibility of declaring a moratorium on large rezoning proposals for 90 days or longer to assess transportation and utility issues.

The motion carried.

4. The County Commissioners are developing a contract for police services for 2006 that includes a 6% increase over the 2005 costs plus overtime for deputies.
5. The Supervisor expects to need to increase the 2006 General Fund Budget for legal expenses by \$50,000 to \$60,000 because of probable litigation with Rock Ridge and ACO.
6. The Ypsilanti Community Utilities Authority (YCUA) has informed the Township of a water rate increase of 4.6% effective September 1.

**B. DEPARTMENTAL REPORTS : ORDINANCE OFFICER,  
PARK COMMISSION MINUTES**

It was moved by Williams, supported by McKinney, that the Ordinance Officer Report for June-July and the Park Commission Minutes for June 27, 2005, be received.

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The motion carried.

**8. COMMUNICATIONS**

**A. A-RIDE MONTHLY SERVICE REPORT**

During the month of April A-Ride provided service to five residents forty-four times; in May eleven residents used the service forty-five times; and in June eight residents used the service forty-six times.

It was moved by Caviston, supported by McKinney, that the Superior Charter Township Board receive the report from the Ann Arbor Transportation Authority.

The motion carried.

**B. FRED LUCAS – ACO vs SUPERIOR**

ACO Development, Inc, requested the Planning Commission to grant them a conditional use on their property at Ann Arbor Road and Gotfredson to build a mini-storage facility. The Planning Commission denied the use and ACO sued. ACO has since sold the property but retained the right to continue the lawsuit. On June 21, 2005, Judge David S. Swartz granted summary disposition in the ACO Development, Inc. vs Superior Township lawsuit. Pursuant to the order the court allowed ACO 30 days to amend its complaint. On July 7, 2005, ACO filed its first amended complaint and demanded a trial by jury. Frederick Lucas, Township Attorney for the lawsuit, sent a copy of the amended complaint and the Township's answer.

Phillips stated that a summary disposition was a pretty strong action for a judge to take.

It was moved by Caviston, supported by Phillips, that the Superior Charter Township Board receive the correspondence from Frederick Lucas regarding the amended complaint from ACO Development, Inc.

The motion carried.

**C. DANIEL J. SMOKE AND MARY V. VINCENT – BILTMORE AND ROCK RIDGE PROJECTS**

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Daniel J. Smoke and Mary V. Vincent, residents of Matthaehi Farms, expressed their concern with the two proposed developments north of Geddes Road. They think that the Biltmore proposal has redeeming value due to the donating to the Township or Conservancy the development rights of other properties and stopping annexation from Ypsilanti City, but they would encourage the Township to “deny any aspect of the Rock Ridge project”.

It was moved by Caviston, supported by McKinney, that the letter from Daniel J. Smoke and Mary V. Vincent be received.

The motion carried.

**D. ELLEN KURATH – BILTMORE PROJECT**

On June 14 Ellen Kurath, 2203 Hickman, sent a letter concerning the Biltmore project proposal which was received by the Board with all the other letters concerning Biltmore on July 6. Ms. Kurath requested that her concerns be put in the minutes of the Board.

Kurath does not think that control of Pro-lime alone will stop annexation. She is also concerned about (1) future expenses for the Township for maintaining the roads in the proposed development, (2) that the natural features on the site should be saved, (3) that Pro-lime may have noxious materials which will be a Township liability, (4) that if the Township reversed its policy of no sewer north of Geddes, Township credibility will be eliminated, and (5) she doubts that the lack of sewer capacity will stop further development.

Kurath was present and said that she was also concerned about the amount of open space on the north and west of the proposed site.

McKinney thanked Kurath for her willingness to share her considerable knowledge with the Township Board.

It was moved by McKinney, supported by Green, that the letter from Ellen Kurath, 2203 Hickman Road, concerning the Biltmore project be received.

The motion carried.

**9. OLD BUSINESS**

There was none.

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**10. NEW BUSINESS**

**A. PARK AND RECREATION BUILDING TRANSFER**

The Park Commission has been involved in negotiations with members of the Township Board and Utility Department regarding the future use the Park Building. The Utility Department currently rents space in the Park Building and has proposed to purchase the Building for \$400,000.00. Those funds could be invested by the Park Commission until they decide on a site for a new building. The Park Commission was informed in July that the cost of design work (\$17,000.00) for the proposed new building would be deducted from the \$400,000.00 which concerns the Commission. McFarlane said that the General Fund would pay the \$17,000.00.

It was moved by Caviston, supported by Lewis, that the letter from the Park Commission be received.

The motion carried.

Jan Berry, Chair of the Park Commission, was present and said that the Commission was having second thoughts about selling the Building. During the past year the Commission has gone from being told that they would have a brand new building to no building at all.

McKinney said that she was tired of the issue and that the Parks should keep their building and Utilities could move into the Old Township Hall.

McFarlane said that Parks could not afford to maintain the Park Building without the Utility rent.

Williams said that she was sorry that the issue of a new building had become such a problem. She remembered when thirty years ago when the community used the Township Hall for private gatherings and thought that there still was a need for such a facility. But the public hearing for the proposed new Park Building showed that it is not a current community need. The present Park Building has only been rented for private use three times all year and the income cannot cover the expenses of maintaining the building. Even with the Utility Department paying rent, total expenses exceeds income by \$7,000.00 so far this year. With the added expenses to the General Fund for litigation and cuts in revenue sharing, Williams said she can no longer support a Park Building that will remain empty much of the time.

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Val Constance, Park Commissioner, said that the Commission was striving to make something good for the community and was proud of what they have done. She feels that giving up the building is a step backwards, and she was offended by the newspaper saying that the Park was selling the Building before the Parks decided to.

McFarlane said that the Commission was set up to maintain the Parks. In 1992 the Building was purchased for Recreation, but at the present time there seems to be little support for recreation programs. He said that the Summer Learning Camp could be done in the Old Township Hall which is now vacant.

Berry said the new Summer Learning Camp Director was doing a great job and she wanted the program to continue. She asked if the Parks were still going to get the facilities in the Fire Substation.

After further discussions, it was moved by Williams, supported by McKinney, that facilities in the Fire Substation (the community room, the small office, and the vehicle bays currently used by the Utility Department) would be dedicated for Park use when vacated by the Utility Department when the new Utility Maintenance Facility is completed.

The motion carried.

**B. ORDINANCE 134-35 – 5164 PLYMOUTH ROAD – REZONE  
FROM VC TO PC – FIRST READING**

On June 22, 2005, the Planning Commission voted to recommend approval the PC zoning and Area Plan for a project that proposes to redevelop the house at 5164 Plymouth Rd. (the Schmidt house) into an art gallery, frame shop and coffee shop with a residential apartment on the second floor. The applicant was advised by the Township planner to rezone the property from VC (Village Center) to PC (Planned Community) because the PC zoning would allow the flexibility the project needs and eliminate some of the nonconforming characteristics of the existing building.

Even with the PC zoning the project requires four variances and a waiver of the requirement that the parcel be at least 20 acres in size. (The parcel is only 1 acre.) Therefore, the Planning Commission's recommendation included two conditions: (1) the variances from some of the landscaping and setback requirements of the PC district had to be approved by the

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Zoning Board of Appeals, and (2) the Township Board must waive the 20-acre requirement as permitted by Section 4.22(E)(3)(a) of the zoning ordinance. On July 25, 2005, the Zoning Board of Appeals approved the variances, and the Township Board can waive the 20-acre requirement by finding that the re-development of the parcel in a manner compatible with the Dixboro community requires the flexibility of the PC district.

Lewis, who also serves on the ZBA, said that she was impressed with the owners of the building, the Savitskies, who were willing to listen to the comments at the public hearing and make changes to accommodate the suggestions.

It was moved by Lewis, supported by McKinney, that the Superior Charter Township Board waive the twenty (20) acre lot size minimum for a Planned Community District zoning for the parcel at 5164 Plymouth Road as the development of the parcel is compatible with the Dixboro community, and further that the Board concur with the recommendation of the Planning Commission and adopt the following Ordinance for first reading:

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
ORDINANCE # 134-35**

The Board of Superior Charter Township of Washtenaw County, Michigan, hereby ordains that Ordinance Number 134, being the Superior Charter Township Zoning Ordinance, adopted August 4, 1997, and effective August 21, 1997, as amended, be amended as follows:

**SECTION I**

Superior Charter Township Ordinance Number 134, designated Superior Charter Township Zoning Ordinance, adopted August 4, 1997 and effective August 21, 1997, as amended, and the zoning district map attached thereto and made a part thereof, are hereby amended by rezoning the following described property in Superior Township, Washtenaw County, Michigan, from the present zoning of VC (Village Center) to PC (Planned Community) (5164 Plymouth Road – Section 18):

OLD SIDWELL – J 10-040-019-00 – SU 37-14 LOTS 2, 3, & 4 Southwest Section,  
Village of Dixboro

**SECTION II**

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This Ordinance shall be published in a newspaper circulated within the Township of Superior within thirty (30) days following the final adoption thereof. This Ordinance shall become effective on the eighth day following said publication or such later date as is provided by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**CERTIFICATION**

I, Kay Williams, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that this is a true copy of an Ordinance adopted by the Superior Charter Township Board for first reading at a regular meeting held on August 1, 2005, and for final reading on August 15, 2005. This Ordinance shall become effective on the eighth day following publication of second and final reading, or such later date as may be provided herein or by law.

William McFarlane, Supervisor

Kay Williams, Clerk

Roll call vote:

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

Nays: None

The motion carried.

**C. RESOLUTION OPPOSING WASHTENAW COUNTY  
NOVEMBER MILLAGE ELECTION**

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

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**AUGUST 1, 2005**

**A RESOLUTION OPPOSING THE NOVEMBER 8, 2005 SPECIAL ELECTION  
TO LEVY 0.25 MILLS FOR ENHANCED EMERGENCY COMMUNICATIONS**

WHEREAS, on July 6, 2005, the Washtenaw County Board of Commissioners adopted a Resolution to submit to the Washtenaw County electors on Tuesday November 8, 2005, a question of whether the tax limitation should be increased by 0.25 of a mill for ten (10)



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years, beginning with the December 1, 2006, tax levy, to construct improvements to the County's enhanced emergency communications radio system within Washtenaw County; and

WHEREAS, Superior Charter Township does not have any other issue on the November ballot; and

WHEREAS, the proposed levy will not be levied until December 1, 2006, and three elections are scheduled for 2006 (the May School Election, the August Primary Election, and the November General Election) which could have the 0.25 millage on the ballot at no extra expense to the taxpayers; and

WHEREAS, the February 22 Washtenaw County Special Election cost the taxpayers \$5,724.46 for Superior Charter Township alone and \$156,510.65 for Washtenaw County; and

WHEREAS, the Resolution did not state that the County was going to pay for the November Election and Superior Charter Township has not budgeted funds for a special election; and

WHEREAS, even if the County does pay for the Election, it is still a needless taxpayer expense;

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board hereby opposes the calling of the Special Election on November 8, 2005, by the Washtenaw County Board of Commissioners and requests that the Board of Commissioners reconsider their decision and place the millage proposal on one of the three scheduled election dates in 2006.

Roll call vote:

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

Nays: None

The motion carried.

**D. UTILITY DEPARTMENT – PERMANENT RAIN GAUGE AND FLOW METER**

The Utility Department needs to purchase a permanent rain gauge and flow meter to allow the department to compare the sanitary sewer flows to the amount of rainfall experienced in the Township. The permanent meter

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would be placed at the most downstream location of the Wiard/Clark interceptor.

It was moved by Lewis, supported by Williams, that the Superior Charter Township Board authorize the purchase and installation of a Teledyne ISCO (HESCO) rain gauge for \$4,840.00 and a Teledyne ISCO permanent flow meter for a cost not to exceed \$30,000.00.

Roll call vote:

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

Nays: None

The motion carried.

**E. REQUEST FROM BUILDING/ZONING OFFICIAL FOR A  
TEMPORARY INSPECTOR**

In January of 1990, The Superior Township Board enacted Ordinance No. 106, which requires that owners of multiple dwellings register their properties with the Township and schedule inspections so that any dwellings found not to be in compliance with the code can be identified and corrected. The Building Department is currently working towards scheduling inspections to occur between the months of September and December of 2005.

Considering the work load of the Building Department's current staff, the Building/Zoning Official requested that the Township Board grant the Township Supervisor the authority to advertise for, interview, and hire a temporary, contractual inspector to perform the 106 inspections. The inspector would work under the Building/Zoning Official's supervision and be paid a "per unit" inspection fee of ten (10) dollars (the same fee the Township collects from the multiple dwelling owners). The program would essentially be run on a "break-even" basis, however, no permanent staff would be necessary.

It was moved by Caviston, supported by Williams, that the Supervisor be authorized to advertise for, interview, and hire a temporary, contractual inspector to perform the inspections necessary to comply with Ordinance #106 to be paid a "per unit" inspection fee of ten (10) dollars.

The motion carried.

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**11. PAYMENT OF BILLS**

It was moved by Caviston, supported by Lewis, that the bills be paid in the following amounts: General Fund - \$5,038.50 and Utilities Fund - \$9,522.09 for a total of \$14,560.59.

The motion carried.

**12. PLEAS AND PETITIONS**

Rick Church, Utilities Director, thanked the Board for their efforts to work with the Park Commission and the Utility Department in regard to the Park Building. He understands the Park Commission's concerns and hopes that everything will work out well for all parties.

**13. ADJOURNMENT**

It was moved by Lewis, supported by Green, that the meeting adjourn.

The motion carried and the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Kay Williams, Clerk