

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
AUGUST 7, 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 August 7, 2006, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

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

4. ADOPTION OF AGENDA

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

The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF JULY 17, 2006

It was moved by Caviston, supported by McKinney, to approve the minutes of the regular Board meeting of July 17, 2006, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

Stanley Stewart, 1787 Manchester, addressed the Board concerning ordinance enforcement. He listed 18 homes in Washington Square subdivision which should be cited for blight or unlicensed cars in the yard. He would like the current ordinances enforced or strengthened. McFarlane said that he would investigate the matter with Mr. Stewart and take appropriate action.

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7. REPORTS

A. SUPERVISOR

The Supervisor reported that Sergeant Archer has proposed a community-wide event in Fireman's Park on September 10th from noon to 4:00 p.m. Games and refreshments would be provided. The purpose of the event is to build relationships between the police, Township government, and the residents.

B. DEPARTMENT REPORTS: FIRE DEPARTMENT, BUILDING DEPARTMENT, PLANNING COORDINATOR, SHERIFF DEPARTMENT, PARK COMMISSION MINUTES

It was moved by Caviston, supported by Green, that the Fire Department report for July, the Building Department Report for July, the Planning Coordinator report for July, the Sheriff Monthly Report for June, and the Park Commission minutes for the June 26, 2006 meeting be received.

Sergeant Archer was present to give the Sheriff Department Report. Deputy Ballou and the detective bureau are still following up on tips from the animal cruelty cases last winter. He is also submitting DNA analysis on a suspect in numerous Home Invasions that occurred last year. Deputy Howell is investigating a Fraud/Larceny complaint and has tracked down a suspect with many items stolen from Superior Township residents.

The motion to receive the reports carried.

C. UTILITY FUND JUNE 2006 FINANCIAL STATEMENT

It was moved by Caviston, supported by Lewis, that the Superior Charter Township Board receive the Utility Fund June 2006 Financial Statement.

The motion carried.

8. COMMUNICATIONS

A. AATA A-RIDE – QUARTERLY REPORT

During the month of April ten residents used the A-Ride door-to-door service for persons with disabilities and senior citizens 127 times. During May twelve residents were served 141 times, and during June 15 residents used the service 159 times.

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It was moved by Caviston, supported by Green, that the AATA A-Ride report for April, May, and June be received.

The motion carried.

B. EYANA MORGAN- RESIGNATION

Eyana Morgan, Assistant Treasurer, tendered her resignation on July 24, 2006.

It was moved by Caviston, supported by Lewis, that the resignation of Eyana Morgan be received.

The motion carried.

C. YCUA – WATER RATE INCREASE

The Ypsilanti Community Utilities Authority advised the Township that effective September 1, 2006, all water bills will increase by 9% which will bring the water rate to \$1.74 per 100 cubic feet. In addition the sewage rate is increased 3% to \$2.055 per 100 cubic feet. The sewage rate may decrease in January, 2007, as the capital indebtedness for the sewage treatment plant will be removed as it was a 30 year loan starting in 1977. The actual increase for Superior Township Utility Department customers will be determined at the August 21 meeting.

It was moved by Williams, supported by Caviston, that the communication from the Ypsilanti Community Utilities Authority be received.

The motion carried.

9. UNFINISHED BUSINESS

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

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 Ordinance for final reading:

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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:

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

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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.

- b. No tower shall be located closer than 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.

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, Green, Lewis

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Nays: None

Absent: Phillips

The motion carried.

10. NEW BUSINESS

A. BERG MEDICAL DEVELOPMENT AGREEMENT

Berg Medical is constructing an office building on Huron River Drive which is located on a site that is in both Superior Township and Ypsilanti Township. Most of the building will be in Ypsilanti Township with the parking and drainage in Superior. The Planning Commission has approved the site plan and the staff has prepared the development agreement.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board approve the following development agreement for Berg Medical.

**SUPERIOR CHARTER TOWNSHIP
DEVELOPMENT AGREEMENT
BERG MEDICAL OFFICE**

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the day of _____, 2006, by and between Huron River Associates, LLC, owner of Berg Medical Office on Huron River Drive whose address is 3316 E. Dobson, Ann Arbor, Michigan, 48105, "**Owners/Developers**"), and the Charter Township of Superior, whose address is 3040 N. Prospect Road, Ypsilanti, Michigan 48198 (the "**Township**").

RECITALS

- A. WHEREAS**, the Developer desires to develop an overall parcel consisting of 2.27 acres in Section 31 of Superior Township and Section 6 of Ypsilanti Township, which real property is described on Exhibit "A" attached hereto and made a part of this Agreement, which is located on Huron River Drive currently consisting of undeveloped land. The office development proposes a two story office building which is located in Ypsilanti Township with part of the parking and the detention pond located in Superior Township; and

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- B. WHEREAS**, the Developer desires to develop the office building pursuant to the Superior Township Zoning Ordinance No.134, as amended and pursuant to all applicable Articles and Sections; and
- C. WHEREAS**, the Developer desires to build all necessary on-site infrastructure, such as, but not limited to utility lines, storm water detention, entrance drives, parking, a pedestrian path, sidewalks, and necessary curbs and gutters, without the necessity of special assessments by the Township; and
- D. WHEREAS**, agreements, approvals, and conditions agreed to by the Developer and the Township remain in effect, including, but not limited to, conditions of all approvals by the Township regarding zoning and final site plan approval for the entire Development and permits that may have been issued by appropriate governmental review agencies for the subject site; and
- E. WHEREAS**, on May 24, 2006, the Township's Planning Commission passed a motion to approve the final site plan for the Development conditioned upon the engineering and planning issues raised by the Township Engineer and Township Planner being resolved.
- F. WHEREAS**, on _____, the Planning and Engineering Consultants' determined that all of the conditions of final site plan approval had been satisfied; and
- G. WHEREAS**, the approved final site plan for the Development is consistent with the purposes and objectives of the Township's Zoning Ordinance pertaining to the use and development of the Development; and
- H. WHEREAS**, Section 10.04F1 of the Township's Zoning Ordinance requires the execution of a Development Agreement in connection with the approval of the final site plan for the Development, which Agreement shall be binding upon the Township, Developer and the owners of the site, their successors-in-interest and assigns;

NOW, THEREFORE, in consideration of the premises and the mutual covenants of the parties described in this Agreement, and with the express understanding that this Agreement contains important and essential terms as part of the final approval of the Developer's final site plan of the Development, the parties agree as follows:

**ARTICLE I
GENERAL TERMS**

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- 1.1 Recitals Part of Agreement.** Developer and the Township acknowledge and represent that the foregoing recitals are true, accurate and binding on the respective parties and are an integral part of this Agreement.
- 1.2 Zoning District.** The Township acknowledges and represents that the Development is zoned O-1 (Office) for the development and for purposes of recordation shall be referred to as Berg Medical Office Development.
- 1.3 Approval of Final Site Plan.** The final site plan, dated 5-8-06, a copy of which is attached hereto and made a part hereof, has been approved pursuant to the authority granted to and vested in the Township pursuant to Act No. 184, Public Acts of 1943, as amended.
- 1.4 Conditions of Final Site Plan Approval.** Developer and the Township acknowledge that the approved final site plan for the Development incorporates the Township's approved conditions and requirements that were adopted by the Township Planning Commission, the Township Zoning Board of Appeals, consultants and departments of the Township.
- 1.5 Agreement Running with the Land.** The terms, provisions and conditions of this Agreement shall be deemed to be of benefit to the Development described herein, shall be deemed a restrictive covenant which shall run with the land and be binding upon and inure to the benefit of the parties, their successors and assigns; and may not be modified or rescinded except as may be agreed to in writing by the Township, the Developer and/or their respective successors and assigns. This restrictive covenant shall be incorporated by the appropriate executed instruments into the title of the Development. Anything to the contrary herein notwithstanding, no person who is neither a party hereto or the successor or assignee of a party shall be deemed an intended contractual beneficiary of this Agreement or have the right to commence any lawsuit or proceeding to enforce this Agreement or any portion thereof.

**ARTICLE II
PROVISIONS REGARDING DEVELOPMENT**

- 2.1 Permitted Principal Uses.** The only permitted principal uses within the Development shall consist of the following:
 - The construction of a 21 space parking lot
 - A decorative Keystone wall
 - A detention pond
 - 25 foot vegetative buffer strip

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- A dumpster pad
- Interior walkways.
- Detention basin outlet to the Huron River

2.2 Storm Water Management: Storm Water Detention. No part of the storm water detention area located within the Development shall be allowed to remain in an unkempt condition. All areas located within the detention area shall be maintained in accordance with Township ordinances and Drain Commission and Engineering Plans. The entire facility including inlet and outlets located within the Development shall be kept functioning as originally designed and accepted.

In the event Developer at any time fails to maintain or preserve such detention area in accordance with this Agreement, the Township may serve written notice upon the Developer setting forth the deficiencies in the maintenance and/or preservation of the detention area. Said written notice shall include a demand that definitive action be taken to cure deficiencies of maintenance and/or preservation within 10 days and cured within thirty (30) days of the date of receipt of the notice. If no action is taken on the deficiencies set forth in the original notice, or any subsequent notice thereto, are not cured within such thirty (30) day period or any extension thereof, the Township in order to prevent the detention area from becoming a nuisance, may enter upon the detention area and perform the required maintenance and/or preservation to cure the deficiencies. The Township's cost to perform any such maintenance and/or preservation, together with a fifteen (15) percent surcharge for administrative costs, shall be assessed to the owner of the site at the time such maintenance and/or preservation is performed or its successors or assigns, placed on the next Township roll as a special assessment and collected in the same manner as general property taxes.

2.3 Maintenance and Guarantee Bond. Developer shall submit cash, a bond or irrevocable letter of credit to the Township Treasurer in the full amount estimated for the detention storm sewer infrastructure and soil erosion, i.e. **\$107,000.00** prior to the Final acceptance. The bond or irrevocable letter of credit shall be consistent the Township's standard form and state "Maintenance and Guarantee Bond according to Section 2.3 of the Development Agreement for Berg Medical Office Development". The term length in which the bond or letter of credit is in force shall not exceed two (2) years from the date on which the Township issues final acceptance.

2.4 Engineering Approval of Plans. In accordance with Superior Township Ordinance and Superior Township's Engineering Design Specifications, no construction work or grading, except as set forth below, shall be performed until engineering plans are reviewed and approved. Township agrees that all plan reviews required by its engineer shall be "turned-around" expeditiously.

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- 2.5 Tree Mitigation.** Prior to the commencement of any site work, the Developer shall review all proposed tree clearing and removal with the Township Planning Consultant and shall relocate or replace trees in accordance with Section 3.25 of the Superior Township Zoning Ordinance.
- 2.6 Tree Preservation.** Trees shown to be preserved on the approved ~~f~~Final ~~s~~Site ~~p~~Plan shall be protected from encroachment by tree fencing installed at the drip line of the tree at all times during all phases of development and, if damaged or removed, each tree shall be immediately replaced, weather permitting, by a like variety no less than four (4") inches in diameter except that when the damaged or removed trees are individual deciduous trees of six (6) inch D.B.H. or larger or are individual evergreen trees six (6) foot in height or greater, replacement shall be in accordance with Section 3.25(H) of the Superior Township Zoning Ordinance.
- 2.7 Performance Guarantee.** The Developer shall provide a performance guarantee to cover site improvements as specified within Section 10.10 of the Zoning Ordinance. The Developer shall provide security in the amount of **\$153,500.00** to the Township to assure the installation of all site improvements which the Developer proposes to install as reflected in the approved Final Site Plan, including, but not be limited to, parking lots, walkways, grading, required landscaping, required screens, sidewalks, lighting, and storm drainage systems. The Developer shall deliver such security (or deposit such funds) to assure the construction of the site improvements as stated above. The Developer shall deposit such funds **before the pre-construction meeting** with the Township Treasurer's Office in the form of a cash, bond, or irrevocable letter of credit (whichever Developer may elect), payable to the Charter Township of Superior. The bond or irrevocable letter of credit shall state "Security for Site Improvements as stated in Section 2.7 of the Development Agreement for Berg Medical Office Development". The **\$153,500.00** performance guarantee amount stated above is based on specifications and estimates prepared by the Developer's Engineer and approved by the Township's engineer, based on the Final Site Plan. The Township shall refund the bond or irrevocable letter of credit within forty-five (45) days after Developer provides written notice of completion of the improvements and Township approves such completion, such approval not to be unreasonably withheld, conditioned or delayed.
- 2.8 Fees and Escrow Amounts.** The Developer shall also pay to the Township **\$10,500.00 prior to scheduling the pre-construction meeting** as an escrow to cover the costs of inspection of the storm water utilities and paving to be constructed as a part of the Development. Any remaining balance in the escrow shall be returned to the Developer upon completion and final acceptance by the

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Township.

2.9 Engineering and Certification.

A. Developer shall furnish three mylar As-built Drawing plans signed and sealed by an engineer licensed in the State of Michigan indicating that the site grading, storm water conveyance, soil erosion/ sedimentation, detention/retention facilities, have been constructed in substantial accordance with the approved engineering plans. All inspections for storm water installations are to be performed by the Township engineers, with applicable fees paid by Developer. The Township will review and approve improvements in accordance with the Township "Engineering Design Specification for Site Improvements" and other applicable laws and ordinances prior to final completion.

B. Developer shall furnish As-Built Drawing plans in CD format that is in conformance with the Charter Township of Superior Standards for Submitting Digital As-Built Drawings, Revised May 2003 as amended.

2.10 Underground Utilities. Developer shall install all electric, telephone and other communication systems underground in accordance with requirements of the applicable utility company and applicable Township Ordinances, except for the pre-existing overhead services.

2.11 Removal of Construction Debris. Developer shall remove all discarded building materials and rubbish at least once each week during construction and within one week of completion or abandonment of construction; provided that the responsibility under this Section 2.11 shall be deemed transferred to any subsequent owner of a portion of the Development as to that portion. No burning of discarded construction material shall be allowed on site.

2.12 Site Grading and Building Setbacks. The Developer or the Developer's representative shall certify that the as-built site grading and building setbacks conform to the Township approved site and engineering drawings. This certification shall be prepared by and bear the seal of a professional land surveyor licensed in the State of Michigan. The certification shall be submitted as directed on forms provided by the Township (Exhibit "C").

The Township shall have the right to spot-check certification grades at its own discretion and at its own expense. The final certificate of use and occupancy shall be withheld until the site grading/setback certification is received and approved by the Township. The Township shall have the right, at its own discretion, to waive some or all of the site grading and building setback certification requirements.

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- 2.13 Sewer and Water.** All sewer and water systems must meet the requirements of the Environmental Health Department of Washtenaw County and the State of Michigan.
- 2.14 Sidewalks.** Sidewalks will be installed according to the Final Site Plan.

**ARTICLE III
MISCELLANEOUS PROVISIONS**

- 3.1 Modifications.** This Agreement may not be modified, replaced, amended or terminated without the prior written consent of the parties to this Agreement.
- 3.2 Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.
- 3.3 Township Approval.** This Agreement has been approved through action of the Township Board at a duly scheduled meeting.
- 3.4 Developer and Owner Approval.** The signers on behalf of Developer below represent by their signatures that they represent and have authority to bind all owners of legal and equitable title to the property.
- 3.5 Execution in Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one Agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.
- 3.6 Preconstruction Meeting with Builders.** The parties acknowledge that Developer and/or any other third parties can build the facilities in accordance with the approved site plan. The parties agree that the Developer and/or any other third parties will comply with all related Township Policies and Ordinances prior to the preconstruction meeting. Prior to the commencement of any grading, the Developer or such other third parties shall schedule a meeting as per the Township's engineering standards with its general contractor, construction manager and the Township's applicable departments, officials, and consultants to review the applicable policies, procedures and requirements of the Township.
- 3.7 Continued Review.** The Developer shall be required to review conformance of this Agreement with Township Officials and/or designated Township consultants on a yearly basis or at such time as deemed reasonably necessary by the Township until completion of the project.

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a Michigan municipal corporation

By: _____
William A. McFarlane
Its: Supervisor

STATE OF MICHIGAN)
) ss.
COUNTY OF WASHTENAW____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2005, by William A. McFarlane, Supervisor of the Charter Township of Superior, a Michigan municipal corporation, on behalf of the corporation.

Notary Public
Washtenaw County, Michigan
My Commission Expires:

Drafted by and when recorded return to:

Kay Williams
Superior Charter Township Clerk
3040 N. Prospect
Ypsilanti, Michigan 48198
(734) 482-6099

Exhibit A – Legal Description

Commencing at the N.E. corner of Section 6, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan; thence S 00°00'00" W along the east line of Section 6, 703.18 feet to the centerline of Huron River Drive; thence continuing along said centerline in the following two courses; N 76°06'00" W 8.09 feet to an angle point in Huron River Drive; N 58°28'00" W 743.80 feet to the Point of Beginning; thence continuing along said centerline N 58°28'00" W 224.00 feet; thence N 20°10'00" E 511.36 feet to a meander line on the south bank of the Huron River; thence along said meander line in the following three courses; S 48°02'00" E 20.10 feet, S 65°57'00" E 98.3 feet, S 83°33'00" E 44.50 feet, thence S 14°00'01" W 555.15 feet to the Point of Beginning, being a part of the N.E. ¼ of Section 6, T3S, R7E, and the S.E. ¼ of Section 31, T2S, R7E, together with that land lying between the south edge of the Huron River and said meander line. Being subject to the rights of the public or any part of subject property taken, deeded, or used

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for street, road, or highway purposes. Also being subject to other easements and restrictions of record, if any.

Exhibit C
**CHARTER TOWNSHIP OF SUPERIOR
3040 N. PROSPECT ROAD
YPSILANTI, MI 48198**

TELEPHONE (734) 482-6099 FAX (734)
482-3842

SITE GRADING/SETBACK CERTIFICATION

DATE

SITE

ADDRESS

OWNER'S

ADDRESS

TELEPHONE

NUMBER

BUILDING

PERMIT

NUMBER

I certify that I have checked the distances from the side, rear, and front lot lines of the building(s) as well as building elevation, site and easement grades and find that the construction conforms with the Township approved engineering plans, except as specifically noted below.

Printed name of Professional Land Surveyor

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Michigan Registration Number

Date _____

Signature and Seal of
Professional Land Surveyor

Roll call vote:

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

Nays: None

Absent: Phillips

The motion carried.

**B. ORDINANCE 134-45 – TEXT AMENDMENTS TO ZONING
ORDINANCE FOR PRIVATE WASTEWATER DISPOSAL
SYSTEMS – FIRST READING**

On April 3, 2006, the Board adopted Ordinance 166, an ordinance regulating private wastewater disposal systems. The Zoning Ordinance and Growth Management Plan need to be amended to comply with the new ordinance. The public hearing for the Zoning Ordinance amendments was held on July 26, 2006, and the Planning Commission recommended approval of the amendments the same evening.

It was moved by Caviston, 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 # 134-45**

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

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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:

Amend Section 2.03 to add definitions for Open Space and Private Community Wastewater Systems, and to revise Public Sanitary Sewage System as follows:

SECTION 2.03 DEFINITIONS

Open Space: The land area that shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenants, or other legal means that runs with the land. It shall not include land that is already prevented from development such as, but not limited to wetlands. It shall not include land encumbered by other rights or easements such as, but not limited to utility easements.

Private Community Wastewater System (PCWS): A facility for the transportation, collection, processing or treatment of sanitary sewage which is owned by a non-governmental entity and which is proposed to service more than one structure. The PCWS shall be deemed to include any individual septic tanks, pumps, lines and appurtenances serving each residence, in addition to the community drainfield and treatment system.

Publicly Owned and Operated Sanitary Sewerage System: A system of ~~pipes and~~ structures, ~~include~~ pipes, channels, conduits, manholes, pumping stations, sewage or waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances collectively or severally actually used or intended for use by the public for the purpose of collecting, conveying, transporting, treating, or otherwise handling sanitary sewage or other industrial liquid wastes of such nature as to be capable of adversely affecting the public health, owned and operated by ~~a~~ **the Ypsilanti Community Utilities Authority, Township of Ann Arbor or other municipality.**

Amend Section 3.15 as follows:

SECTION 3.15 SEWER AND WATER FACILITIES

A. Connection to Public Water and Sewer Required

1. All dwelling units in any Urban Residential District (R-3 through R-8), and all buildings in Business or Industrial Districts (C-1, C-2, C-3, O-1, I-1, and I-2), or in the PM or MS Special Districts shall be connected to **publicly owned and operated** sanitary sewerage and water supply systems.

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2. ~~Properties with~~ **Individual lots in** such zoning districts in existence at the time of adoption of this Ordinance may use **independent**, on-site wells, septic tanks, and drain fields approved by the Washtenaw County Environmental Health Division if **publicly owned and operated** sanitary sewerage and water supply systems are not available.

B. Private Community Sanitary Sewage Treatment Wastewater Systems (PCWS)

~~Privately owned and operated~~ community wastewater systems (PCWS) for sanitary sewage treatment ~~sanitary sewage~~ **shall be** prohibited in all **zoning** districts **except as part of a Planned Community (PC) Special District and in compliance with the Private Community Wastewater System Ordinance (Ord. No. 166, as amended.)**

C. Public Screening Standards for Sewage Treatment and Disposal Plants Facilities

In addition to the requirements established by the State of Michigan, the following site development and use requirements shall apply to all **private community wastewater facilities and publicly owned and operated** sewage treatment and disposal ~~plants~~-facilities:

1. All operations shall be completely enclosed by a fence not less than six (6) feet high.
2. All operations and structures shall be surrounded on all sides by a buffer strip at least two hundred (200) feet wide within which grass, trees, hedges, shrubs, and/or structural screens shall be placed to screen the installation from view and to confine odors therein. The strip shall be continuously maintained in good condition. The Township Planning Commission shall have the authority to review and approve the design and treatment of all buffer strips.
3. No device for the collection, treatment, and/or disposal of sewer wastes shall be installed or used without the approval of the Superior Township Board.

Amend Section 4.22(D) (Planned Community District) as follows:

D. Permitted, Accessory, and Conditional Uses

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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. **Private community wastewater systems (PCWS) may be permitted as an accessory use within a development in the PC District, under the following conditions:**

- 1. The development shall be located outside of the Public Sanitary Sewer Service Area or “Urban Service Area” as defined in the Growth Management Plan.**
- 2. The PCWS shall comply with the standards of this Ordinance and the Private Community Wastewater Systems Ordinance (Ord. No. 166, as amended.)**
- 3. The development shall consist of a single land use type, as categorized by the Washtenaw County Environmental Health Division.**
- 4. Determination by the Township that use of a PCWS is necessary to facilitate permanent protection and conservation of important wetlands, natural features, open spaces or agricultural lands in the Township.**
- 5. Any development in the PC District for which a PCWS is proposed shall include permanent conservation of fifty percent (50%) or more of the land area proposed for development as agricultural land or as open space.**

Amend Section 7.03A as follows:

- A. Access to Water and Sewer**
 - 1. Each principal building in a Planned Community (PC) District located in the Public Sanitary Sewer Service Area or “Urban Service Area” as defined in the Growth Management Plan shall be connected to publicly owned water and sanitary sewer lines.**
 - 2. Each principal building in a Planned Community (PC) District outside of the Public Sanitary Sewer Service Area or “Urban Service Area” as defined in the Growth Management Plan shall be connected to:**

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- a. **An independent, on-site water well and sanitary septic system approved by the Washtenaw County Environmental Health Division; or**
 - b. **A private community wastewater system (PCWS) in compliance with the standards of this Ordinance and the Private Community Wastewater Systems Ordinance (Ord. No. 166, as amended.)**
3. Each principal building in **any other** Special District shall be connected to **publicly owned** water and sanitary sewer lines, or to **an independent, on-site** water well and sanitary septic system approved by the Washtenaw County Environmental Health Division.

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 August 7, 2006, and for final reading on August 21, 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, Green, Lewis

Nays: None

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Absent: Phillips

The motion carried.

**C. GROWTH MANAGEMENT PLAN AMENDMENTS –
PRIVATE WASTEWATER DISPOSAL SYSTEMS**

The Planning Commission reviewed the proposed amendments to the Growth Management Plan on July 26 to bring the Plan into compliance with Ordinance 166, the Private Community Wastewater Systems Ordinance, and the amendments to the Zoning Ordinance, and adopted a motion to send the amendments to the Township Board for distribution to adjoining communities.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board receive the proposed amendments to the Growth Management Plan as related to the Private Wastewater Disposal Ordinance and authorize the Secretary of the Planning Commission to distribute them to adjoining communities for review as required by the Township Planning Act.

The motion carried.

**D. GEDDES/SUPERIOR ROUNDABOUT – STAMPED
CONCRETE & NON-MOTORIZED TRAIL**

Mark McCulloch, engineer with the Washtenaw County Road Commission, has run a preliminary cost estimate for stamped concrete and non-motorized path for the modern roundabout at Geddes and Superior Roads. His assumptions, unit prices, and totals are:

Stamped concrete:

He assumed a 4-ft wide width around the perimeter of the central island and a 3-ft wide perimeter around the splitter islands and medians. The depth of the concrete would be 6 inches. The total square footage for this work would be roughly 7,000 square feet. MDOT has agreed to include this work as "participating". This means Superior Township only needs to pay for the 20% local match. Using a range of \$7.50 to \$12.00 as a unit price per square foot, the cost for stamped concrete would range from \$52,500 to \$84,000. A 6-inch aggregate base beneath the concrete would also be required. Using \$5 per square yard, the total amounts to \$3,900.

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This brings the total range to \$56,400 to \$87,900. Taking 20% of these figures, the Superior Township cost could range from \$11,280 to \$17,580.

Non-motorized pathway:

The non-motorized path width would range between five feet and ten feet depending upon the location. The material would be hot mixed asphalt (HMA) and paid for by the ton. The depth would be 3-inches. A 6-inch aggregate base would be necessary beneath HMA surface. Again, MDOT has agreed to include this work as "participating". Assuming \$60 to \$75/ton for HMA, \$5/sqyd of aggregate base, and \$5/sqft for ADA ramps, this would bring the total range to \$16,420 to \$19,150. Taking 20% of these figures, the Superior Township cost could range from \$3,884.00 to \$4,430.

It is important to note that the 20% Township matching cost for the non-motorized pathway *does not* include right-of-way. Since a market analysis is necessary to determine the price per square foot, McCulloch cannot provide a solid estimate for right-of-way. However, assuming \$0.75 per square foot, the cost could be \$7,500.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board approve the improvements to the Superior/Geddes Roundabout consisting of a non-motorized pathway and stamped concrete center for an approximate cost of \$15,164.00 to \$22,010.00.

Roll call vote:

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

Nays: None

Absent: Phillips

The motion carried.

**E. UTILITY MAINTENANCE FACILITY FURNITURE
PURCHASE**

The Utility Department requested approval for the purchase of furniture for the new Utility Maintenance Facility. Requests for Proposal were sent

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to four suppliers and two submitted bids. Michigan Office Interiors bid was \$11,681.16 including the waiving of the \$640 fee for assisting with the preparation of the bid. Office Express bid \$12,024.00.

Rick Church, Utility Director, explained that the bid for the new building did not include furniture, but the Utility Fund has allocated the funds. Mr. Church also informed the Board of two major water main breaks on July 30, an extremely hot day, caused by children opening fire hydrants. When the hydrants were turned off, the pressure from the new connections was not reduced quickly enough. The breaks were quickly isolated, but the Utility Department worked 25 hours straight to get them fixed. The Department will consider options to prevent it happening in the future.

It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board authorize the purchase of furniture for the new Utility Maintenance Facility from Michigan Office Interiors for a sum not to exceed \$11,681.16.

The motion carried unanimously.

F. UTILITY DEPARTMENT COPIER LEASE FOR ADMINISTRATION BUILDING

Washtenaw County secures contracts directly with manufacturers for equipment purchased and/or leased for governmental use. The copier that the Utility Department wishes to lease has been through the bid process. Their current copier lease is about to expire and costs \$182.00 per month. The proposed copier is for a three-year period at \$162.00 per month.

It was moved by Caviston, supported by McKinney, that the Superior Charter Township Board authorize the Utility Department to lease a Ricoh Aficio C2500 Black & White/Color Copier/Printer/Scanner/Fax for \$162.00 per month for three years.

The motion carried unanimously.

G. T-MOBILE LAND LEASE CONTRACT ON TOWNSHIP LAND ON MACARTHUR

T-Mobile wants to place a cell tower on Township land on MacArthur. A contract for the lease has been reviewed by the Township attorney. Ellen Tencer, representing T-Mobile, was present to answer questions.

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It was moved by Williams, supported by Lewis, that the Superior Charter Township Board authorize the Supervisor to sign the lease with T-Mobile when the attorney corrections have been made, when the Planning Commission has approved the Final Site Plan, and when a bond has been deposited with the Treasurer for the cost of the removal of the tower when it is no longer viable or else a nuisance to the community.

Roll call vote:

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

Nays: None

Absent: Phillips

The motion carried.

H. HIRE AALEA SKRYCKI – ADMINISTRATIVE ASSISTANT/ACCOUNTS RECEIVABLE

The Treasurer's Office wishes to hire Aalea Skrycki for the administrative assistant/accounts receivable position. Mrs. Skrycki is a Township resident, a graduate of Eastern Michigan University with a Bachelors Degree in Business Administration and Accounting.

It was moved by Caviston, supported by Lewis, that the Superior Charter Township Board hire Aalea Skrycki as Administrative Assistant/Accounts Receivable part-time for 30 to 37.5 hours per week depending on workload at \$14.25 per hour starting August 8, 2006.

The motion carried.

I. MTA FALL DISTRICT MEETING

It was moved by Williams, supported by Caviston, that Board members be authorized to attend the Michigan Townships Association Fall District meeting in Ann Arbor on September 15.

The motion carried.

J. UTILITY FUND BUDGET AMENDMENT

It was moved by Caviston, supported by Green, that the Superior Charter

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Township Board approve the following amendments to the 2006 Utility Fund Budget:

Operations and Maintenance Budget

Increase the following line items:

424	Lift Station Income	\$ 709.00
426	Prior Year Pension Income	5,511.00
441	Interest on Bank Accounts	17,000.00
625	Repairs – Root Foaming	5,000.00
637	Professional Services – Sewer	6,000.00
665	Utilities – Admin. Building	9,000.00
669	Telecomm. – Admin. Building	8,925.00
670	Telecomm. – Maintenance Bldg.	2,800.00
671	Telecomm. – Other	275.00
672	Fuel	9,000.00
679	Admin. Building Supplies	6,000.00

Decrease the following line items:

407	Water Sales During Construction	\$ 3,000.00
410	Meter Sales Income	10,000.00
450	Interest on Loans to Developers	268.00
652	Transportation	6,500.00
668	Telecommunications	12,000.00
673	Utilities – Other	9,000.00

Capital Reserves

856	Decrease Transfer to Capital Reserves	\$9,548.00
416	Decrease T&T Income	241,500.00
675	Increase Depreciation	26,624.00
809	Decrease Transfer from O&M	9,548.00

Debt Service

441	Increase Interest on Bank Accounts	\$ 6,000.00
682	Decrease per Agency Fees	75.00

System Repair Reserve

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441 Increase Interest on Bank Accounts \$ 11,000.00

Roll call vote:

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

Nays: None

Absent: Phillips

The motion carried.

K. FIRE SUBSTATION FURNACE/AIR REPLACEMENT

It was moved by McKinney, supported by Williams, that the Superior Charter Township Board approve the replacement of the Fire Substation Amana Furnace/Air Conditioner by the low bidder Hutzal Plumbing and Heating Company for \$6,400.00

Roll call vote:

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

Nays: None

Absent: Phillips

The motion carried.

11. PAYMENT OF BILLS

It was moved by Caviston, supported by McKinney, that the bills be paid in the following amounts: Utility Fund - \$4,113.26 for a total of \$4,113.26.

The motion carried.

12. PLEAS AND PETITIONS

Roland Sizemore, County Commissioner for the Fifth District, was present to tell the Board about his plans to keep elementary schools open in the

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summer for kids and to hire older students for summer jobs programs to help with the younger students.

13. ADJOURNMENT

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

The motion carried and the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Kay Williams, Clerk