

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
SEPTEMBER 6, 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 September 6, 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 amended.

The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF AUGUST 15, 2005

It was moved by Caviston, supported by Green, to approve the minutes of the regular Board meeting of August 15, 2005, as presented.

The motion carried.

B. SPECIAL MEETING OF AUGUST 29, 2005

It was moved by Caviston, supported by Green, to approve the minutes of the special meeting of August 29, 2005, as presented.

6. CITIZEN PARTICIPATION

There was none.

7. REPORTS

A. SUPERVISOR

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The Supervisor reported on five items:

1. Steven Fisher, the developer of The Enclave, a proposed development near Geddes Ridge Subdivision, has asked that the Board consideration of his project be postponed until September 19 so that he could meet with the residents of Geddes Ridge. Several residents were present at the meeting and said that they had not heard from Mr. Fisher.
2. Sergeant Campbell has been transferred to Ypsilanti Township and our new sergeant is Kathy Mahallick.
3. Toll Brothers, the builder for Arbor Hills Subdivision at Ford and Plymouth in Section 9, is considering developing the 154 acres at the southeast corner of Ford and Prospect for 64 homes on one acre lots.
4. The Road Commission is working on the streets in Oakbrook per their contract.
5. A reminder that the Public Hearing on the proposed Rock 1950 manufactured homes in Sections 20 and 29 is on October 6, 2005, at 7:00 p.m. The Township has hired skilled consultants to help the Township demonstrate to the MDEQ that the project should not be built.

**B. DEPARTMENTAL REPORTS : FIRE DEPARTMENT,
PLANNING COORDINATOR, OHM MONTHLY**

It was moved by Caviston, supported by McKinney, that the Fire Department Report for August, 2005, the Planning Coordinator Report for August, 2005, and the OHM Monthly Report dated September 6, 2005, be received.

The motion carried.

8. COMMUNICATIONS

**A. STEVEN FISHER – REQUEST TO RESCHEDULE ENCLAVE
REZONING**

Steven Fisher requested that the Township Board reschedule the rezoning of the Enclave until the September 19th meeting.

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It was moved by Caviston, supported by Green, that the Superior Charter Township Board receive the communication from Steven Fisher and reschedule the request for rezoning of the Enclave for September 19.

The motion carried.

9. OLD BUSINESS

There was none.

10. NEW BUSINESS

A. AWARD BID FOR THIRD WATER CONNECTION AT CLARK AND LEFORGE

On August 23 the Township received three bids for the Leforge/Clark Water Main Connection. The Township Engineers, OHM, reviewed and checked the bids. The apparent low bidder was Lawrence M. Clarke, Inc. from Belleville, Michigan, who met the qualifications set forth in the contract documents and is capable of performing the work. Utility Director, Rick Church, indicated that the funds for the project were available in the Capital Improvement Fund of the Utility Department.

It was moved by Caviston, supported by Williams, that the Superior Charter Township Board concur with the recommendation of the Township Engineers and the Utility Director and authorize the Supervisor to sign the contract awarding the bid to build the Leforge and Clark Water Main Connection and Booster Station to Lawrence M. Clarke, Inc. 50850 Bemis Road, Belleville, MI 48111, at a cost of \$1,251,154.00.

Rhett Gronevelt, Township Engineer, said that his company had worked with Lawrence M. Clarke and they were a good company.

Green wanted to know where the bid documents were advertised. Gronevelt answered that the plans went to all the area plan rooms.

Roll call vote:

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

Nays: None

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The motion carried.

B. AWARD BID FOR UTILITY MAINTENANCE BUILDING

The Township received thirteen bids for the Utility Maintenance Building on August 30. The highest bid was \$2,757,729 and the lowest was \$2,498,789. The Architects, CDPA, have reviewed the proposals, discussed the figures with the two lowest bidders and Township staff, and recommend the rewarding of a General Contract with Alternates 1 and 2 to J.L. Judge Construction Services, LLC. Although the amount of the contract is higher than estimated, Utility Director Church noted that revenues to the Capital Improvement Fund from Trunk and Transmission fees are greater than budgeted and that the Leforge/Clark Water Main Connection was less than estimated, so moneys are available to fund this project.

Joseph L Judge, President, and Rick Savage, Estimator, for J.L. Judge Construction were present to answer questions. The company is minority owned, and uses union labor where available, using prevailing wage guidelines.

Two representatives from the Washtenaw Contractors Association were present and voiced concerns about the use of union labor. Judge said that union labor would be used in every major trade category, but that in some areas for small special jobs the subcontractor supplied the labor himself.

It was moved by Caviston, supported by McKinney, that the Superior Charter Township Board concur with the recommendation from the Architect, CDPA, and the Utility Director, and authorize the Supervisor to sign the contract awarding the bid to build the Utility Department Maintenance Facility to J.L. Judge Construction Services, L.L.C. for a total contract amount of \$2,498,789.00.

Roll call vote:

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

Nays: None

The motion carried.

**C. METERING PROPOSAL – EYDE PROPERTY SANITARY
SEWER CAPACITY ANALYSIS**

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The Township Engineers, OHM, is currently under contract to investigate the feasibility to provide public utility service (sewer and water) to the Eyde Property north of Geddes at Leforge Road. The current metering program utilized four Township-owned meters. In order to expedite the schedule and provide results sooner, an additional eight meters are needed. The developer, Biltmore Homes, has offered to provide the extra funds needed for the additional meters.

Sandi Lopez, 6735 Vreeland, voiced her concern about having a developer pay for this study. McFarlane stated that the study would have to be done in the future and having the developer pay for it to be done now saved the utility customers money.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board authorize OHM to proceed with a sanitary sewer metering study as outlined in the letter dated August 26, 2005, from OHM to Rick Church, Director of Public Works re: Flow Metering Services for Fall 2005 at a cost of \$59,566.00 when the funds to pay for the study from Biltmore Homes are deposited with the Superior Charter Township Utilities Department.

Roll call vote:

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

Nays: None

The motion carried.

D. CONTRACT WITH HANLEY WOOD MARKET INTELLIGENCE

The proposal by Rock Estates for a Manufactured Home Community (MHC) consisting of 1950 sites with an on-site sewage disposal system includes a marketing study showing why Rock thinks that there is a need for another manufactured MHC in the Township. Since the occupancy rates of the current MHCs in the Township are about 80% officially, and “for sale” signs abound in the parks, the Board has reason to believe that there is no need for more MHCs in Superior Township.

The officials were given the names of three potential marketing firms and selected Hanley Wood Market Intelligence as the firm best suited to our

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needs. The proposal has been reviewed by Don Wortman of Carlisle Wortman, and Township Attorney John Etter. The Clerk communicated with Lance A. Ramella of Hanley Wood and the firm understands the Township's desires and has been very responsive to questions.

After discussion between Don Wortman, Ken Schwartz, John Etter and Clerk, it was determined that John Etter should actually sign the contract to be reimbursed by the Township.

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
SEPTEMBER 6, 2005**

**A RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY TO ACCEPT
THE PROPOSAL FROM HANLEY WOOD MARKET INTELLIGENCE FOR
REVIEW AND EVALUATION OF A PROPOSED MANUFACTURED HOME
COMMUNITY LOCATED IN SUPERIOR TOWNSHIP.**

WHEREAS, Rock Ridge Estates has proposed a 1950 site manufactured housing community to be located in Section 29 of Superior Township; and

WHEREAS, Rock Ridge Estates has presented a market analysis for the proposed manufactured housing community dated April 27, 2005; and

WHEREAS, the Superior Charter Township Board does not consider the Rock Ridge Estates analysis to be either timely or accurate; and

WHEREAS, the Township Attorneys have agreed with a suggestion that the Township obtain another market analysis of the proposed development, and have secured a proposal for such an analysis dated August 30, 2005 from Hanley Wood Market Intelligence, 426 S. Westgate Street, Addison, IL 60101; and

WHEREAS, The Superior Charter Township Board has reviewed the terms of the proposal and wishes to authorize the Township Attorneys to accept the proposal; and

NOW, THEREFORE, BE IT RESOLVED that the Superior Charter Township Board does hereby authorize the Township Attorneys, Reading Etter & Lillich to engage the services of Hanley Wood Market Intelligence by accepting the proposal dated August 30, 2005, for review and evaluation of a proposed manufactured home community located in Section 29 of Superior Charter Township, for a professional fee of \$5,000, plus

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reimbursement for specific out-of-pocket expenses such as mileage and data purchases, the total amount of said fees and expenses to be reimbursed to the Township Attorneys by Superior Charter Township.

Roll call vote:

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

Nays: None

The motion carried.

E. RESOLUTION TO AMAEND FEES FOR THE ZONING ORDINANCE

Since the revision of the planning fee schedule in June 2004, the need for three minor changes has become apparent. The proposed changes are as follows:

1. Acknowledgement that the fees are refundable if they are not used. The current resolution states that the fees are not refundable. However, the practice has been to carryover unused fees to the next stage of development review. Ultimately, any unused funds are returned to the applicant.
2. Acknowledgement that if the review costs exceed the fees paid, the applicant will be billed the actual cost plus 15% for administration. The current schedule cites specific rates for planning, engineering and legal review that do not necessarily reflect the actual costs.
3. Provide a mechanism for a pre-application review in which an applicant can pay a fee to have a potential project reviewed by Don Pennington and/or OHM before an application is submitted.

It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board adopt the following Resolution amending the fees for administrating the Zoning Ordinance:

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A Resolution to Amend Fees Pertaining to the
Superior Charter Township Zoning Ordinance
September 6, 2005

WHEREAS, this Board is authorized by Zoning Ordinance of the Charter Township of Superior to set fees by resolution for various matters arising in the course of administration of the Subdivision Ordinance; and

WHEREAS, this Board has reviewed the fees previously in effect and has found that they are in need of revision;

LET IT THEREFORE BE RESOLVED, that the Charter Township of Superior, Washtenaw County, Michigan, does hereby amend the fee schedule adopted on March 2, 1998, for rezoning petitions, site plan review, special district review and other fees as set forth below; and

BE IT FURTHER RESOLVED, that all of the following fees are refundable if they are not used.

1. REZONING PETITIONS (OTHER THAN SPECIAL DISTRICTS)

The following fees shall be paid by the petitioner to the Superior Charter Township Treasurer at the time of submittal of the application to rezone:

Application fees:	\$ 900.00
Review fees:	\$ 1,000.00
Total:	<hr/> \$ 1,900.00

Review fees include engineering, planning and legal reviews. If the review costs exceed the amount of the fee paid, additional hours shall be billed at the actual costs plus fifteen percent (15%) for administration. Billing rates are available upon request. If a second public hearing must be scheduled due to the petitioner's failure to post required signage or provide information as required, an additional fee of \$300.00 to offset the Township's additional costs of public notices and affidavits of notice shall be paid by the petitioner prior to the Township scheduling the public hearing.

2. APPLICATION FOR CONDITIONAL USE PERMIT

The following fees shall be paid by the applicant to the Superior Charter Township Treasurer at the time of submittal of the application for a Conditional Use Permit.

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Application fees:	\$ 500.00
Review fees:	\$ 300.00
Total:	<u>\$ 800.00</u>

Administrative fee includes one Planning Commission meeting in addition to the meeting at which the public hearing is held. For placement on each additional agenda, an additional fee of \$150.00 shall be payable in advance.

Review fees include engineering, planning and legal reviews. If the review costs exceed the amount of the fee paid, additional hours shall be billed at the actual costs plus fifteen percent (15%) for administration. Billing rates are available upon request.

3. SITE PLAN REVIEW (OTHER THAN SPECIAL DISTRICTS)

The following fees shall be paid by the applicant to the Superior Charter Township Treasurer at the time of submittal for each review:

A. PRELIMINARY SITE PLAN REVIEW

Application fees:	\$ 900.00
Review fees:	\$ 1,200.00 + \$75 per acre
Total:	<u>\$ 2,100.00 + \$75 per acre</u>

Review fees include engineering, planning and legal reviews. If the review costs exceed the amount of the fee paid, additional hours shall be billed at the actual costs plus fifteen percent (15%) for administration. Billing rates are available upon request.

B. FINAL SITE PLAN REVIEW

Application fees:	\$ 900.00
Review fees:	\$1,200.00
Total:	<u>\$ 2,100.00</u>

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Review fees include engineering, planning and legal reviews. If the review costs exceed the amount of the fee paid, additional hours shall be billed at the actual costs plus fifteen percent (15%) for administration. Billing rates are available upon request.

C. REVISED SITE PLAN REVIEW (EACH REVISION)

Application fees:	\$ 300.00
Review fees:	\$1,100.00
Total:	<u>\$1,400.00</u>

Review fees include engineering, planning and legal reviews. If the review costs exceed the amount of the fee paid, additional hours shall be billed at the actual costs plus fifteen percent (15%) for administration. Billing rates are available upon request.

4. PETITION FOR SPECIAL DISTRICT REVIEW

The following fees shall be paid by the petitioner to the Superior Charter Township Treasurer at the time of submittal of the application For a Special District and at the time of each subsequent submittal:

A. REZONING PETITION AND AREA PLAN REVIEW

Application fees:	\$ 900.00
Review fees:	\$1,200.00
Total:	<u>\$2,100.00</u>

Review fees include engineering, planning and legal reviews. If the review costs exceed the amount of the fee paid, additional hours shall be billed at the actual costs plus fifteen percent (15%) for administration. Billing rates are available upon request.

If a second public hearing must be scheduled due to the petitioner's failure to post required signage or provide information as required, an additional fee of \$300.00 to offset

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the Township's additional costs of public notices and affidavits of notice shall be paid by the petitioner prior to the Township scheduling the public hearing.

B. PRELIMINARY SITE PLAN REVIEW

Application fees:	\$ 900.00
Review fees:	\$1,200.00 + \$75.00 per acre
Total:	<hr/> \$2,100.00 + \$75.00 per acre

Review fees include engineering, planning and legal reviews. If the review costs exceed the amount of the fee paid, additional hours shall be billed at the actual costs plus fifteen percent (15%) for administration. Billing rates are available upon request.

C. FINAL SITE PLAN REVIEW

Application fees:	\$ 900.00
Review fees:	\$ 1,800.00
Total:	<hr/> \$2,700.00

Review fees include engineering, planning and legal reviews. If the review costs exceed the amount of the fee paid, additional hours shall be billed at the actual costs plus fifteen percent (15%) for administration. Billing rates are available upon request.

D. MAJOR/MINOR CHANGE

Application fees:	\$ 100.00
Review fees:	300.00
Total:	<hr/> \$ 400.00

5. ENGINEERING REVIEW FEES

At the time of submittal of detailed construction plans, specifications, and detailed estimates of total costs of the proposed construction and improvements, the applicant shall pay to the Township Treasurer a fee for review equal to one and one-half percent (1

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½%) of the estimated total costs of construction and improvements, plus one dollar (\$1.00) per dwelling unit or, in the case of non-residential developments, one and one-half percent (1 ½%) of the estimated costs of construction and improvements, plus one dollar (\$1.00) 1500 square feet of the total building size. The estimates shall be provided by the applicant, and verified by the Township engineer, with the Township engineer retaining final authority to determine the total costs upon which the percentage shall be based. The fee shall be paid prior to the Township engineer's review of any part of the construction plans. In the event engineering review fees exceed the amount of the fee paid (above), additional hours shall be billed at the actual costs plus fifteen percent (15%) for administrative fees.

6. PRECONSTRUCTION AND DEVELOPMENT AGREEMENT MEETING

The following fees shall be paid by the applicant to the Superior Township Treasurer at the time of scheduling a preconstruction and development agreement meeting:

A. PROJECT WITH PUBLIC WATER AND SANITARY SEWER

One and one-half hour \$650.00
(maximum meeting time)

B. PROJECT WITHOUT PUBLIC WATER AND SANITARY SEWER

One and one-half hour \$500.00
(maximum meeting time)

If the meeting exceeds one and one-half hours, or if a subsequent meeting is required, the additional fees shall be payable at the above rates rounded to the nearest quarter hour.

7. INSPECTION FEES DEPOSIT (IN FIELD)

The fees for inspection shall be borne by the applicant and paid to the Township Treasurer. Fees for inspection shall be established at the preconstruction meeting by the Township engineer, who shall transmit a copy of the amount required for inspection fees to the applicant, the Township Clerk, and the Township Treasurer. The Township Treasurer shall place the amount determined by the Township engineer in an escrow account. Inspection fees shall cover the costs of actual inspection and any administrative engineering time incurred by the Township's engineer(s) in association with the project. The extent of inspection and field engineering required may be determined by the Township's engineer based upon the contractor's performance and the applicant's engineering involvement. The costs associated with any field design changes, reviews, evaluations or interpretations of the plans due to discrepancies evolving from the construction operation shall be deducted from the inspection fee escrow accounts.

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The applicant will be notified in the event the escrow fees have been depleted and additional funds are required. Prompt attention to reestablishing the escrow funds will prevent the project construction from being stopped and/ or occupancy permits withheld. Any account balance remaining upon completion of the project and acceptance of the record plans will be returned to the applicant.

Review of "as-built" plans shall be invoiced against the inspection funds.

The fees herein contained shall be in addition to those charges for connection charges and other charges or fees required for sanitary sewer and water supply.

8. ZONING BOARD OF APPEALS PETITION

At the time of filing an appeal to the Zoning Board of Appeals, fees shall be paid by the petitioner to the Superior Charter Township Treasurer as follows:

Appeals brought by the owner of a single-family dwelling and involving a variance request regarding "Density and Height Regulations" for one such dwelling:

\$175.00

Any other appeal:

\$500.00

9. MISCELLANEOUS FEES

A. SPECIAL MEETING OF THE TOWNSHIP BOARD

At the time of filing a request with the Township Clerk for a special meeting of the Township Board, a fee of \$600.00 shall be paid by the requester to the Superior Charter Township Treasurer. If the Board determines for any reason that special meeting cannot be held, \$450.00 of the \$600.00 fee shall be refunded, with the remaining portion of the fee to be retained by the Township for administrative costs.

**B. SPECIAL MEETING OF THE TOWNSHIP PLANNING
COMMISSION**

At the time of filing a request with the Township Clerk for a special meeting of the Township Planning Commission, a fee of \$750.00 shall be paid by the requester to the Superior Charter Township Treasurer. If the Planning Commission determines for any

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reason the special meeting cannot be held, \$650.00 of the \$750.00 fee shall be refunded, with the remaining portion of the fee to be retained by the Township for administrative costs.

C. PRE-APPLICATION CONFERENCE

At the time of scheduling a pre-application meeting with the Township Planner, a fee of \$100.00 shall be paid by the applicant to the Superior Charter Township Treasurer. If additional meetings are requested, an additional \$75.00 per meeting shall be paid.

D. PRE-APPLICATION REVIEW

Before an application for rezoning, conditional use or site plan review is filed, the petitioner may request a pre-application review by the Township's planner and/or engineer. A fee of \$500.00 shall be paid by the applicant to the Superior Charter Township Treasurer before such a review is undertaken.

10. PUBLICATION AND EFFECTIVE DATES

This resolution and fee schedule shall become effective immediately upon publication in the *Ypsilanti Courier*, a newspaper of general circulation within the Township, on September 15, 2005.

CERTIFICATION

I, Kay Williams, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Superior Charter Township Board held on September 6, 2005, and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

Kay Williams, Superior Township Clerk

Roll call vote:

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

Nays: None

The motion carried.

F. RESOLUTION CONCERNING CABLE TELEVISION

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

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WASHTENAW COUNTY, MICHIGAN
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A RESOLUTION OF THE TOWNSHIP BOARD OF THE TOWNSHIP OF SUPERIOR, EXPRESSING OPPOSITION TO SENATE Bill 1504, KNOWN AS THE "BROADBAND INVESTMENT AND CONSUMER CHOICE ACT" (S. 1504), AND SENATE Bill 1349 AND HOUSE RESOLUTION 3146, BOTH ENTITLED THE "VIDEO CHOICE ACT OF 2005" (S. 1349 & HR. 3146), URGING CONGRESSIONAL REPRESENTATIVES TO REFRAIN FROM ANY FORM OF SUPPORT OR CO-SPONSORSHIP OF S. 1504, S. 1349, OR HR. 3146 AND TO VOTE IN OPPOSITION TO S. 1504, S. 1349, OR HR. 3146 AND DIRECTING THAT THIS RESOLUTION BE FORWARDED TO THE MICHIGAN CONGRESSIONAL DELEGATION, OTHER MEMBERS OF CONGRESS AS DEEMED APPROPRIATE, AND THE PRESIDENT OF THE UNITED STATES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 2, 2005, Senators John Ensign and John McCain introduced the Broadband Investment and Consumer Choice Act of 2005 (S. 1504); and

WHEREAS, on June 30, 2005, Senators Smith and Rockefeller introduced the Video Choice Act of 2005 (S. 1349); and

WHEREAS, on June 30, 2005, Congressmen's Blackburn and Wynn introduced the Video Choice Act of 2005 (HR. 3146); and

WHEREAS, the Township Board of the Township of Superior opposes the passage of S. 1504, S. 1349, and HR. 3146 because:

These bills would preempt all local authority over the provision of cable and video services within the community, including the ability of the local government to provide appropriate oversight to entities conducting business within their jurisdiction and in the local public rights-of-way;

Local government strongly endorses promoting competition for all consumers. But these bills would mean that fewer citizens will receive the benefit of video competition. These bills eliminate local government's authority to ensure head to head competition for all

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citizens, leaving video providers free to cherry pick the most lucrative communities.

The bills would significantly limit the amount of fees local government can collect, as well as local government's authority to enforce collection. This will directly jeopardize critical public services including police, fire, schools, and libraries.

The bills would abrogate local governments' authority to ensure that public safety is maintained. Citizens do not want more video services at the post of potholes in their roads, water main breaks, and traffic jams during rush hour. The bills would also eliminate institutional networks that serve our police and firefighters;

S. 1504 would substitute a new compensation methodology on the parties to the Township's existing franchise contract, depriving the Township of the agreed-upon bargain by lowering the existing franchise fee and replacing it with a fee which must be justified as being "reasonable" in the eyes of the user, limited to management costs (which denies the rights of the property owner to obtain fair and reasonable compensation for the use of public property for private gain), and not in excess of 5%;

The bill would substantially reduce the amount of capacity which may be required by local governments to meet their public, educational and government ("PEG") access needs, while stripping the Township of the ability to obtain capital support for the use of PEG capacity - part of the bargain contained within the Township's negotiated franchise agreement - with the result that the community's cable-related needs and interests would not be met;

The bill would eliminate any build-out requirements for any video service provider, thereby allowing providers to discriminate based on the wealth of the local neighborhoods they choose to serve;

The bill would prohibit the Township from imposing any fee for issuance of rights-of-way construction permits yet would require the Township to act on requests for permits in a timely manner as determined by the FCC, thereby insinuating inappropriate federal government involvement in the basic day-to-day management of local rights-of-way;

.The bill would prohibit municipalities and their utilities from providing communications services without giving a right of first refusal to private industry, and would then grant industry unfettered access to all municipal facilities and financing in the event private industry chooses to provide services;

.The bill would deprive the Township of the authority to establish and maintain government owned and operated networks, known as institutional networks, that may be utilized by first responders and other government officials in the day-to-day management of the Township's business;

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.The bills would eliminate the protection the Township currently has against liability for damages and attorneys fees in lawsuits brought by communication service providers against local governments, a type of litigation that the bill would seem to invite service providers to bring.

WHEREAS, for these reasons, the Township Board finds that it should oppose S. 1504, S. 1349, and HR. 3146 and urges the Michigan Congressional Delegation and other members of Congress to oppose S. 1504, S. 1349, and HR. 3146; and

WHEREAS, the Township Board finds that this Resolution should be forwarded to the Michigan Congressional Delegation, other members of Congress as deemed appropriate, and to the President of the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF SUPERIOR, THAT:

Section I. For the reasons stated above, the Township Board of the Township of Superior, declares its opposition to S. 1504, S. 1349, and HR, 3146 urges the Michigan Congressional Delegation and all other members of Congress to oppose S. 1504, S. 1349, HR. 3146.

Section II. The Township Board hereby directs that this Resolution be forwarded immediately to the Michigan Congressional Delegation, other members of Congress as deemed appropriate, and to the President of the United States.

Section III. This Resolution shall become effective immediately upon its passage.

CERTIFICATION

I, Kay Williams, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Superior Charter Township Board held on September 6, 2005, and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

Kay Williams, Superior Township Clerk

Roll call vote:

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

Nays: None

The motion carried.

11. PAYMENT OF BILLS

It was moved by Caviston, supported by Lewis, that the bills be paid in the following amounts: General Fund - \$4,275.00 and Utilities Fund - \$9,869.45 for a total of \$14,144.45.

The motion carried.

12. PLEAS AND PETITIONS

There were none.

13. ADJOURNMENT

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

The motion carried and the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Kay Williams, Clerk