

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
SEPTEMBER 2, 2008
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 September 2, 2008, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

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

4. ADOPTION OF AGENDA

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

The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF AUGUST 4, 2008

It was moved by Caviston, supported by Green, to approve the minutes of the regular Board meeting of August 4, 2008, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

There was none.

7. REPORTS

A. SUPERVISOR

The Supervisor reported on three items:

1. The ACO Development, Inc. zoning case that was granted summary disposition in favor of the Township by the trial court was affirmed by the Michigan Court of Appeals. The case involved the construction of a mini-storage facility at Gotfredson

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and Ann Arbor Roads. Unless ACO decides to appeal to the Supreme Court, the lawsuit is over and the Township won. Green wanted to know if the Township could get attorney fees, but John Etter, who was present, said that usually does not happen. Most of the attorney fees were covered by the Township insurance company.

2. The Police Workshop that was scheduled for September 18 has been cancelled.
3. There will be an outdoor warning siren test on Saturday, September 6 at noon. These tests are conducted every first Saturday of the month during the summer. The Township pays for one siren at Stamford and MacArthur; the other sirens are at our borders and are paid for by Ann Arbor and Canton.

B. DEPARTMENT REPORTS: FIRE, FIRE MARSHAL, BUILDING, UTILITY, ORDINANCE OFFICER, SHERIFF, YPSILANTI LIBRARY, ZONING, PLANNING COMMISSION, PARK COMMISSION MINUTES

It was moved by Williams, supported by Green, that the Fire Department Report for July, the Fire Marshal Report dated August 18, 2008, the Building Department Report for July, the Utility Department Report dated August 27, 2008, the Ordinance Officer Report July/August, 2008, the Sheriff Department Report dated August 7, 2008, the Ypsilanti District Library Report for July, the Zoning Report dated August 27, 2008, the Planning Commission Report for August, and the Park Commission minutes for July 28, 2008, be received.

The motion carried.

C. SECOND QUARTER FINANCIAL REPORTS – ALL FUNDS

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board receive the second quarter financial reports from all funds.

The motion carried.

8. COMMUNICATIONS

A. SHERRY SIMPSON RESIGNATION FROM BOARD OF REVIEW

Sherry Simpson is moving to Webster Township and is resigning from the Board of Review.

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It was moved by Williams, supported by Caviston, that the resignation of Sherry Simpson from the Board of Review be accepted with regret.

The motion carried.

The Supervisor will ask the Ann Arbor News to announce the vacancy.

9. UNFINISHED BUSINESS

There was none.

10. NEW BUSINESS

A. HUMANE SOCIETY CONSENT JUDGMENT

The Humane Society of Huron Valley planned to expand their facilities on Cherry Hill Road and approached the University of Michigan to purchase less than five acres of land to add to the approximately three acres of land they already own. The Society was assured that they could make the purchase and stated that they would own the land in all the applications for rezoning and site plan review. After all the approvals were granted, the Society was told that the land could be only leased. That made all their applications and, therefore, their approvals, null and void. As this would require the Society to reapply for all the approvals, the administrative staff and the attorneys for both the Society and the Township worked together to find a remedy for the situation. A consent judgment was the most expedient solution. Attorney John Etter was present to explain the legal matters and answer questions about the consent judgment. Etter stated that the University claims to be exempt from local zoning, but in the lease agreement with the Humane Society they did allow for Township zoning and will not object to former or present approvals. The Matthaei family granted a release from the restrictions to the University for the Botanical Gardens for the Humane Society.

Phillips stated that all the approvals went through the Planning Commission with little controversy. McFarlane said that the Consent Judgment was possibly the only way the Humane Society could expand and continue to serve the community. Washtenaw County contributed funds for the expansion as they use the facility for animal control.

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

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION TO APPROVE DECLARATORY JUDGMENT
IN HUMANE SOCIETY LAWSUIT**

WHEREAS, there is presently a controversy concerning the zoning of certain property in the Township commonly referred to as the Humane Society Parcels, which has resulted in a lawsuit now pending in the Washtenaw County Circuit Court entitled Humane Society of Huron Valley v. Charter Township of Superior, File No. 08-873-CH; and

WHEREAS, the Township attorney has discussed with Plaintiff's attorney and the Administrative Staff a possible Declaratory Judgment to resolve the matters in controversy in the lawsuit; and

WHEREAS, the Township attorney and the Administrative Staff have generally agreed on the terms of a proposed Declaratory Judgment, a copy of which is attached hereto as Exhibit A, which has been approved by the Plaintiff's attorney; and

WHEREAS, the members of this Board have reviewed the terms of the proposed Declaratory Judgment;

NOW, THEREFORE, BE IT RESOLVED that this Board hereby approves the proposed Declaratory Judgment in substantially the form attached hereto and made a part hereof, subject to such minor revisions as may be approved by the Township attorney and the Administrative Staff, and does hereby authorize the Township Supervisor, William McFarlane, and the Township attorney, John L. Etter, to sign the same on behalf of the Township.

CERTIFICATE

I, Kay Williams, certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board for the Charter Township of Superior, County of Washtenaw, State of Michigan, at the regular meeting held on September 2, 2008, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

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Dated: September 2, 2008

Kay Williams, Clerk
Charter Township of Superior

Exhibit A

**TATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT**

HUMANE SOCIETY OF HURON VALLEY,
a Michigan non-profit corporation,

Plaintiff,

Case No. 08-873-CH

v

Hon. Timothy P. Connors

CHARTER TOWNSHIP OF SUPERIOR,
a Michigan municipal corporation,

Defendant.

Butzel Long
By: **MARK V. HEUSEL (P47528)**
Attorneys for Plaintiff
350 South Main Street, Suite 300
Ann Arbor, Michigan 48104
(734) 995-3110

Reading, Etter & Lillich
By: **JOHN L. ETTER (P13233)**
Attorneys for Defendant
101 North Main Street, Suite 575
Ann Arbor, Michigan 48104
(734) 769-9050

DECLARATORY JUDGMENT

At a session of the Court held in the City of Ann Arbor, County of
Washtenaw, and State of Michigan on the ____ day of
September, 2008

PRESENT: HONORABLE TIMOTHY P. CONNORS
Circuit Court Judge

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This matter having come before the Court by virtue of a Complaint filed by the Humane Society of Huron Valley (“HSHV”) and an Answer thereto filed by Defendant Charter Township of Superior (“Township”) and the Court having read the Complaint and Answer and being fully advised in the premises, and the Court being further advised by the parties that they wish to resolve open issues by entry of a Declaratory Judgment, the Court hereby finds and declares as follows:

A. That the Township Board’s actions in adoption of Ordinances 134 and 171 rezoning the Combined Parcel, as defined in the Complaint, to PC District with the approved Area Plan on which HSHV will develop its site are confirmed and shall remain enforceable despite HSHV having only possession and not fee ownership of the Leased Parcel, as defined in the Complaint;

B. That the Township Zoning Board of Appeals’ action granting variances to HSHV as to Sections 5.04 B1 and B2 and Section 12.07 A1c of the Township’s Zoning Ordinance shall be deemed not to have expired, and shall become null and void only upon expiration of an approved final site plan for the development;

C. That the Township Planning Commission’s approval of HSHV’s Preliminary and Final Site Plans are confirmed and shall remain enforceable despite HSHV having only possession and not fee ownership of the Leased Parcel on which development will occur;

D. That the declarations made in paragraphs A, B, And C above are based in substantial and material part on the Township’s status as a third party beneficiary of Section 5.3 of the Ground Lease dated August 8, 2008 between the Regents of the University of Michigan as Lessor and HSHV as Lessee which has a 65 year initial term, on which status the Township is entitled to rely; and

E. That the declarations made in paragraphs A, B, and C above are based on the unusual and particular facts of this case as set forth in the Complaint, and shall not be deemed to be a precedent for any other case or fact situation which might arise, or a waiver of the right of Township to strictly enforce its Zoning and other ordinances, except as set forth herein.

Hon. Timothy P. Connors
Circuit Court Judge

Approved as to form and content:

Mark V. Heusel (P47528)
Attorney for Humane Society of Huron Valley

John L. Etter (P13233)
Attorney for Defendant Charter
Township of Superior

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Green, Phillips

Nays: None

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Absent: McKinney, Lewis

The motion carried.

B. UNITED MEMORIAL GARDENS CONSENT JUDGMENT

United Memorial Gardens, located on the southeast corner of Curtis and Joy Roads, built a mausoleum several years ago. In 1998 the cemetery received site plan approval to expand the mausoleum, but never finished the project. The Township has been attempting to have them finish the project ever since. In 2006 the management of the cemetery was taken by the Courts and subsequently sold. The new owners wish to complete the project using the latest approved site plan which has expired.

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
SEPTEMBER 2, 2008**

**A RESOLUTION TO APPROVE THE CONSENT JUDGMENT BETWEEN THE
CHARTER TOWNSHIP OF SUPERIOR AND MIDWEST MEMORIAL GROUP,
LLC d/b/a UNITED MEMORIAL GARDENS**

WHEREAS on October 28, 1998, the Superior Township Planning Commission approved the original final site plan for a proposed chapel/mausoleum addition at the United Memorial Gardens Cemetery; and

WHEREAS since that time three separate successive final site plan approvals have expired including the latest site plan approved December 15, 2004; and

WHEREAS on April 25, 2005 a Development Agreement between Superior Charter Township and United Memorial Gardens was approved to enable United Memorial Gardens to complete a group of partially erected precast concrete crypt buildings near the south end of United Memorial Gardens Cemetery property resulting in additional crypts and an enclosed chapel/mausoleum; and

WHEREAS a \$400,000 bond was posted to insure that the work would be completed; and

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WHEREAS the project was started but not finished, leaving a partially completed building and potentially dangerous site; and

WHEREAS as no work on the project was being done, on November 6, 2006, the Board by Resolution authorized the Building Official to work with the Township Attorney to cash the \$400,000 bond to restore the site; and

WHEREAS in December, 2006, the Township received information the United Memorial Gardens was one of several cemeteries that was involved in a court order was entered by the Ingham County Circuit Court to stay all legal actions against United Memorial Gardens, and a conservator was appointed by the court to manage and control United Memorial Gardens and 28 other cemeteries owned by the same owners, and that the \$400,000 bond was not redeemable; and

WHEREAS on April 21, 2008, when notified by the Township Attorney that the Court was in the process of selling United Memorial Gardens to a reputable company, the Board directed the Attorney to begin the process of obtaining a Consent Judgment with the new owners that guarantees the payment of attorney fees, adheres to the approved site plan, includes bonds or letters of credit payable to the Township in the estimated amount of expenditures for the project to insure completion, and documents a time frame for completion; and

WHEREAS in June, 2008, the Court Conservator completed the sale of United Memorial Gardens to Midwest Memorial Group, LLC, who wishes to complete the project according to the December 15, 2004 approved site plan; and

WHEREAS the Midwest Memorial Group has met with the Township Attorney, the Building Official, and the Township Administrative Staff to determine the most expedient manner to complete the project for the benefit of all parties involved;

NOW, THEREFORE, BE IT RESOLVED that the Superior Charter Township Board hereby authorizes the Supervisor to sign the following Consent Judgment between Superior Charter Township and Midwest Memorial Group, LLC:

**STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT**

**CHARTER TOWNSHIP OF SUPERIOR,
a Michigan municipal corporation,**

Plaintiff,

Case No. 08-_____ -CE

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Hon.

v

MIDWEST MEMORIAL GROUP, LLC, d/b/a
UNITED MEMORIAL GARDENS,

Defendant.

Reading, Etter & Lillich
By: VICTOR L. LILICH (P44286)
Attorneys for Plaintiff
101 North Main Street, Suite 575
Ann Arbor, Michigan 48104
(734) 769-9050

Zausmer, Kaufman, August,
Caldwell & Taylor
By: Mark J. Zausmer (P31721)
Attorneys for Defendant
3030 W. Grand Blvd., Ste 10-200
Detroit, Michigan 48202
(313) 456-0040

CONSENT JUDGMENT

At a session of said Court
held in the City of Ann Arbor
on the ____ day of _____, 2008

Present: Hon. _____
Circuit Court Judge

This matter is before the Court on Complaint for zoning and blight violations under the ordinances of Plaintiff, the parties have stipulated to the facts herein adjudged and have agreed and consented to be bound by the provisions herein ordered, and this Court is otherwise fully advised in the premises.

THE PARTIES AGREE AND IT IS HEREBY ADJUDGED that Defendant is the owner and in control of property located at 4800 Curtis Road, in the Charter Township of Superior, Michigan, more particularly described as follows:

Commencing at the West 1/4 corner; Thence North 89° 3' 30" East 60.02 feet on the East-West 1/4 line to the Point of Beginning; Thence North 89° 3' 30" East 1117.79 feet; Thence Southwesterly on an Arc of Curve Radius 5461.58 feet; Chord South 56° 17' 18" West 426.73 feet; Thence South 58°

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31' 38" West 816.79 feet; Thence North 2° 18' 35" West 546.09 feet; Thence South 89° 3' 30" West 40.01 feet; Thence North 2° 18' 35" West 100 feet to the Point of Beginning; Being part of the Southwest 1/4 of Section 3, T2S, R7E. Being approximately 8.27 acres.

Parcel No.: J-10-03-300-001

THE PARTIES FURTHER AGREE AND IT IS HEREBY ADJUDGED that the referenced property is in a blighted condition and constitutes a nuisance as a result of partially constructed improvements for which building and zoning permits have expired.

THE PARTIES FURTHER AGREE AND IT IS HEREBY ADJUDGED that valid defenses have been raised by Defendant which assert fraudulent activity and misappropriation of funds by previous owners of the property as the cause of current conditions and alleged violations of the Township Ordinances.

THE PARTIES FURTHER AGREE AND IT IS HEREBY ADJUDGED that because of all of the above recitations, the parties have been involved in meaningful discussion as to reasonable conditions under which the property could be developed under the expired site plans and permits; the parties now desire to resolve these disputes and differences in lieu of an adjudication of the merits of their respective legal positions in the action, and any defenses thereto, and to avoid the further costs and expenses associated with this litigation and the uncertainty of trial, they seek to provide for curing the alleged violations and for obtaining Township review and approval of site plans (including engineering plans) for development and construction on the terms and conditions set forth herein as a compromise resolving all claims and defenses of the parties hereto. Accordingly, the parties hereby stipulate to the facts herein adjudged and consent to be bound by the provisions of this Consent Judgment.

NOW THEREFORE IT IS HEREBY ORDERED:

1. Defendant may submit and seek approval of site and engineering plans to complete partially erected pre-cast concrete crypt buildings and an enclosed chapel mausoleum similar to final site plans that were formerly approved but not completed by the former owners. The plans shall be submitted to the Township's Building and Zoning Administrator. The Building and Zoning Administrator may in his/her sole and exclusive discretion seek the assistance and review of the Township Engineers and Planning Consultants to assure compliance with the Ordinances and Regulations of the Township. Once the Building and Zoning Administrator is satisfied that the plans and proposed development is consistent with the Township's Ordinances and any relevant State Regulations that may apply, construction permits to complete the project may be issued. Application to and review by the Township Planning Commission shall not be required.

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2. The plans submitted by Defendant shall be for completion of the project in two (2) phases. Phase 1 of the project as proposed in drawing prepared by Edward T. Marvill, Architect, Inc., entitled "Mausoleum Completion - Phase 1" dated June 27, 2008, shall be completed within one year of entry of this Judgment. At the time of entry hereof, Defendant is uncertain regarding the necessity and scope of Phase 2, and/or whether Phase 2 should be abandoned, demolished and removed from the site. Defendant shall determine whether or not to proceed with Phase 2, the scope of Phase 2, and whether all or any part of Phase 2 will be abandoned, demolished and removed within one year after entry of this Judgment. Site plans for Phase 2 improvements, construction permits, and/or demolition permits for Phase 2 shall also be completed and approved within one year. Construction and/or demolition and removal of Phase 2 shall be completed within eighteen months of this Judgment. All construction and site improvements shall be completed in accordance with the site and construction plans as approved by the Building and Zoning Administrator. Minor variations may be agreed to by the Township as approved by the Building and Zoning Administrator.

3. Within thirty (30) days from entry of this Judgment, Defendant shall provide the Township with an irrevocable bank letter of credit, escrow deposit, or other security acceptable to the Township, for completion of construction and improvements authorized by this Judgment. The security shall be in the amount of Fifty Thousand (\$50,000.00) Dollars, and shall provide that if construction and improvements are not completed and approved in conformance with approved final plans and in accordance with this Judgment, the Township may draw from the security such amount as is necessary to demolish and remove structures and premises which are not in conformance with this Judgment as determined by the Building and Zoning Administrator. Alternatively, the Township in its sole discretion may draw from the security such amounts as are necessary to complete the improvements consistent with the approved plans.

4. Defendant shall pay any and all planning and engineering expenses reasonably incurred by the Township related to the development and improvements authorized by this Judgment. An initial deposit in the amount of three thousand dollars (\$3000.00) shall be deposited with the Township Clerk prior to commencement of plan review by the Building and Zoning Administrator. The Township shall return any unused portion of the deposit upon completion and final approval of the improvements. The Township may demand additional deposits periodically to cover expected future costs and expenses for the project. Failure of Defendant to make additional deposits on demand shall result in issuance of a stop work order and no further work on the project shall be performed.

5. Defendant shall pay the Township's reasonable attorney fees in this matter in the amount of Six Thousand Hundred (\$6,000.00) Dollars.

6. To the extent that this Consent Judgment conflicts with any Township Ordinance requirements, the terms of this Consent Judgment shall control. To the extent

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that this Consent Judgment is silent on issues regulated by Township Ordinances or Codes, the Township Ordinances or Codes shall control, provided that the application of any such ordinances or code provisions shall be in accordance with the general practices of the Township and not unreasonable under the circumstances.

7. It is the intent of this Judgment to provide for correction of existing ordinance violations by completion of construction and improvements authorized in paragraph 1 above in accordance with approved plans and the ordinances and regulatory requirements of the Township. The parties acknowledge that time is of the essence in processing and reviewing plans for completion of the project to remove existing ordinance violations. The parties agree to treat one another in good faith, and neither party will take or omit to take any action which will interfere with the spirit or intent of this Judgment. The parties shall execute any and all documents and/or enter into such agreements as are necessary or convenient to carry out the intent of this Consent Judgment.

8. This Court retains jurisdiction to enforce or interpret the terms of this Consent Judgment. The parties have agreed that while this Consent Judgment was initially drafted by the attorney for Plaintiff, Defendant and its attorney have had a full opportunity to read and revise it, and no inference adverse to Plaintiff as drafter shall arise in the event of any ambiguity requiring interpretation.

9. The terms of this Consent Judgment may not be amended, changed, or modified, except by written agreement executed by all parties or their respective successors or assigns.

10. This Consent Judgment is binding and shall inure to the benefit of the parties hereto and their successors and assigns and may be recorded with the Washtenaw County Register of Deeds office.

11. The parties for themselves, their successors, and assigns hereby release and discharge each other, their respective officers, directors, and agents from any and all claims in law or in equity, or any cause known or unknown, foreseen or unforeseen, arising directly or indirectly from any acts or omissions of the other prior to this date and related to the matters resolved by this Judgment.

This Judgment Resolves all pending claims and closes the case.

Circuit Court Judge

Approved as to form and content:

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Charter Township of Superior
Plaintiff

Midwest Memorial Group, LLC
d/b/a United Memorial Gardens
Defendant

By: _____
William A. McFarlane
Its: Supervisor

By: _____
David J. Shipper
Its: Executive Officer

Date: _____, 2008

Date: _____, 2008

Reading, Etter & Lillich
Attorney for Plaintiff

Zausmer, Kaufman, August,
Caldwell & Taylor, P.C.
Attorneys for Defendant

By: _____

Victor L. Lillich (P44286)

By: _____
Mark J. Zausmer (P31721)

Date: _____, 2008
2008

Date: _____,

***Drafted and Prepared by:
Victor L. Lillich (P44286)
Reading, Etter & Lillich
101 North Main Street, Suite 575
Ann Arbor, Michigan 48104
(734) 769-9050***

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Green, Phillips

Nays: None

Absent: McKinney, Lewis

The motion carried.

C. SECURITY LIGHTING AT FIRE SUBSTATION

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There was an attempt by someone to break into Fire Station No. 2 at MacArthur and Harris in July that was unsuccessful but did damage to the building. The Fire Department is in the process of replacing a storm door and an entire window assembly. To provide additional security, Chief Roberts has received bids to replace the security lighting for the building. In addition the Fire Department would like to replace the ground light fixture at Station One that was destroyed.

Chief Roberts was present to answer questions.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board concur with the recommendation of the Fire Chief and authorize the Supervisor to sign the contract with A&N Electric, Inc, 813 Wildwood Lane, Ann Arbor, to install the lighting at the Fire Substation Building and a light on the flag pole at Fire Station One as proposed in the bid document dated 7/31/2008 at a cost not to exceed \$3,024.28.

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Green, Phillips

Nays: None

Absent: McKinney, Lewis

The motion carried.

D. REPLACEMENT OF TURN-OUT GEAR FOR FIRE FIGHTERS

The Fire Department has a program for replacement of turn-out gear for fire fighters on a rotational basis of three sets of gear per year for the next three years. The Department has reserved the cost of three sets for this year. A structure fire in July, which involved a dramatic rescue of a child, destroyed a fourth set. Therefore the Department requested approval to replace four sets of turn-out gear.

It was moved by Caviston, supported by Williams, that the Superior Charter Township Board concur with the recommendation of Chief Roberts and authorize the purchase of four sets of turn-out gear for the Fire Department from West Shore Services for an amount not to exceed

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\$5,453.52 with \$5,000.00 to be taken from line item 750 – Turn-out Gear and \$453.52 be taken from line item 740 – Operating Supplies.

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Green, Phillips

Nays: None

Absent: McKinney, Lewis

The motion carried.

E. CLOSE OUT OF DAVENPORT BROTHERS CONSTRUCTION FOR FIRE STATION ONE

At the July 21, 2008, Board meeting, the Board approved the settlement of \$73,087.05 for the dispute concerning the floor of Fire Station One. This finishes the construction of the building and the Fire Fund owes Davenport Brothers the final draw of \$5,000.00 held for the fixing of the floor. The Construction Fund has approximately \$37,500.00 left and the Chief recommended that the money be placed in the Reserve Fire Fund Account.

It was moved by Williams, supported by Green, that the Superior Charter Township Board authorize the payment of \$5,000.00 to Davenport Brothers as the final draw for the construction of Fire Station One and, further, that the remaining moneys in the Construction Fund be placed in the Reserve Fire Fund Account and the Construction Fund be closed.

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Green, Phillips

Nays: None

Absent: McKinney, Lewis

The motion carried.

F. UTILITY DEPARTMENT EXTENSION OF FOUR-DAY WORK WEEK

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The Utility Director recommended that the Utility Department continue the four-day ten-hour work week until October 31, corresponding to the day-light savings time change on November 2. The reasons for the request are related to increased productivity and reduction of overtime for the maintenance employees as well as increased service to residents. The Department received at least six calls between the hours of 4:30 p.m. and 6:00 p.m. regarding possible sewer back-ups that the Department was able to respond to as part of the regular work day. These calls would normally have been a three-hour minimum call-out paid at overtime rate. When working on excavation and/or projects that require the use of heavy equipment, set-up and break-down times often require that a project takes two days. With the longer day, often projects can be completed in one day. Over 90 residents were served during the extended hours since the program began in June.

It was moved by Caviston, supported by Green, that the Superior Charter Township Board concur with the recommendation of the Utility Director and extend the four-day ten-hour work week for the Utility Department until October 31, further that the Township Hall offices revert to the normal five-day, 37.5 hour work week beginning September 2.

The motion carried.

G. RESOLUTION – MERS HEALTH CARE SAVINGS PLAN – DANIEL ALLEN

As of August 18, 2008, Dan Allen is working full-time for the Utility Department and is required to participate in the health care savings plan.

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
SEPTEMBER 2, 2008**

**A RESOLUTION TO APPROVE AN EMPLOYEE MANDATORY DEDUCTION
FOR THE MERS HEALTH CARE SAVINGS PLAN**

WHEREAS employees of Superior Charter Township may request that their deduction amounts be set by the Superior Charter Township Board for their Health Care Savings Plan:

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NOW, THEREFORE, BE IT RESOLVED that the mandatory deductions for the MERS Health Care Savings Plan for Daniel Allen be Option 1 with a 2% deduction from Regular Pay only.

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Green, Phillips

Nays: None

Absent: McKinney, Lewis

The Resolution is adopted.

**H. DESIGNATE THE TREASURER AS CIVIL INFRACTION
ORDINANCE VIOLATION BUREAU CLERK**

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

**A RESOLUTION TO DESIGNATE THE TREASURER AS THE BUREAU
CLERK FOR THE CIVIL INFRACTIONS ORDINANCE VIOLATIONS
BUREAU PER ORDINANCE 137**

WHEREAS Ordinance 137, the Municipal Civil Infractions violations Ordinance was adopted by the Superior Charter Township Board on May 19, 1997, and became effective on June 25, 1997; and

WHEREAS Section 137.03(A) of Ordinance 137 establishes the Superior Charter Township Municipal Civil Infractions Ordinance Violations Bureau (hereafter "Bureau") for the purpose of accepting admission of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines and costs for such violations; and

WHEREAS Section 137.03(B) of Ordinance 137 states that the Bureau shall be located in the Township Hall, 3040 N. Prospect, Ypsilanti, MI 48198; and

WHEREAS Section 137.03(C) of Ordinance 137 states that the Township Board may by resolution designate a Bureau Clerk with the duties prescribed herein and as otherwise may be delegated by the Township Board:

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board hereby designates the Township Treasurer as the Superior Charter Township Municipal

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Civil Infractions Ordinance Violations Bureau Clerk and as such shall have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violation notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines and costs for such violations as specified in this Resolution. The Bureau Clerk shall not accept payment of fines and costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The Bureau Clerk shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Green, Phillips

Nays: None

Absent: McKinney, Lewis

The motion carried.

I. HIRE FULL-TIME DEPUTY CLERK UNTIL NOVEMBER 20

Phillips requested permission to abstain.

It was moved by Caviston, supported by Williams, that the Superior Charter Township Board approve the abstention of Phillips.

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Green, Phillips

Absent: McKinney, Lewis

Nays: None

The motion carried and Phillips left the Board Room.

The Administrative Staff prior to the August 5, 2008, Primary discussed and decided to request that the Board hire whoever won the Primary for the office of Clerk in order to train the clerk-presumptive before he/she takes office. Williams requested that the Board approve the hiring of David Phillips as full-time Deputy Clerk from September 22, 2008, until November 20, 2008, so that he may learn the duties of the position. The

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Clerk's office is responsible for many things that are not designated statutory duties. These responsibilities have evolved over the years as the Township has grown and developed. During those nine weeks he will (among other things) learn how to: (1) run elections – The November 4 General Election will be the biggest election the Clerk's Office has conducted in years. Dave has served as an election inspector in the polls, but has not done the many tasks necessary to run a smooth election from beginning to end; (2) prepare for Board meetings – agendas, packets, minutes, correspondence; (3) use the Qualified Voter File (QVF); (4) keep the records of the Township (5) write development agreements, resolutions, etc. (6) oversee (with the Supervisor and Treasurer) the various departments of the Township including employees, budgets, facilities, etc. (7) approve the invoices of Township purchases for items pre-approved by the Board or designated as pre-approved; and (8) interact with various board and commissions from other municipalities. Williams suggested that he be hired on an hourly basis and be paid \$15.00 per hour.

It was moved by Caviston, supported by Green, that the Superior Charter Township Board concur with the recommendation of the Clerk and hire David Phillips as full-time Deputy Clerk from September 22 until November 20, 2008, at an hourly rate of \$15.00 per hour.

The motion carried with Phillips absent from the room.

Phillips returned to the Board Room.

J. WAIVER OF ADMINISTRATIVE FEES FOR 800 MHZ RADIO PROJECT

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

SEPTEMBER 2, 2008

**A RESOLUTION TO WAIVE ADMINISTRATION FEES FOR THE
WASHTENAW 800 MHZ PUBLIC SAFETY RADIO PROJECT**

WHEREAS the Washtenaw 800 MHz Public Safety Radio Project is building an emergency communications system in Washtenaw County for police, fire, and EMS services, and

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WHEREAS the Project would like to locate a tower in Superior Charter Township; and

WHEREAS the Project requested approval from the Superior Charter Township Planning Commission for co-location of the equipment on the WEMU tower at Clark and Leforge roads; and

WHEREAS to obtain that approval the Project has paid the required administrative fees for a conditional use permit, preliminary site plan approval, and final site plan approval in the amount of \$2,400.00 plus the costs of the planning and engineering consultants fees; and

WHEREAS the Planning Commission approved the conditional use permit and site plan for the Project, but the negotiations with WEMU have not been completed and the length and price of the proposed lease is still an issue; and

WHEREAS the Project is concerned about the possibility of not being able to use the WEMU tower and is looking at alternative sites, including the Washtenaw County land at Leforge and Clark as a possible site; and

WHEREAS if the site does change, the Project will need to apply for another conditional use permit and preliminary and final site plan review; and

WHEREAS the Washtenaw 800 MHz Public Safety Radio Project is being built for the benefit of the citizens of Superior Charter Township and Washtenaw County;

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board hereby waives the Township Administrative Fees for the Washtenaw 800 MHz Public Safety Radio Project, but not consultant expenses, if the Project changes the location of the approved site for the tower.

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Green, Phillips

Nays: None

Absent: McKinney, Lewis

The motion carried.

McFarlane noted that the Township has received five new radios from the Project.

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K. METRO ACT RIGHT-OF-WAY PERMIT EXTENSION

AT&T requested that the Board agree to the extension of the existing METRO Act Permit. With the current laws, the Township has little choice in approving this extension.

It was moved by Williams, supported by Green, that the Superior Charter Township Board authorize the Supervisor to sign the agreement with extends the existing METRO Act Permit issued by Superior Charter Township to Michigan Bell Telephone Company formerly d/b/a SBC Michigan, now d/b/a AT&T Michigan ("AT&T") for a term ending on December 31, 2010.

The motion carried unanimously.

L. SET PUBLIC HEARING FOR 2008 MILLAGE RATE FOR GENERAL FUND

It was moved by Williams, supported by Green, that the Superior Charter Township Board set the public hearing for the 2008 millage rate for the General Fund for September 15, 2008, at the Superior Charter Township Hall, 3040 N. Prospect, Ypsilanti, 48198.

The motion carried.

M. ADDITIONAL ROAD IMPROVEMENT PROJECTS

The Road Commission sent a list of possible road improvement projects that could be done this year. Since the Board has already authorized expenditures amounting to more than \$7,000.00 over the initial contract for projects for the year, and because the Board was not furnished with a complete accounting of current expenditures, the Board did not take action on new improvements.

N. BUDGET AMENDMENTS

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board amend the following 2008 Fire Fund Budget:

Increase the following line items:

206-000-671-075	Insurance reimbursements	\$73,087.05
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206-955-965-010	Transfer to Building Reserves	73,087.05
206-336-930-000	Repair & Maintenance	4,000.00

Decrease the following line item:

206-336-980-000	Equipment	\$ 4,000.00
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Roll call vote:

Ayes: McFarlane, Williams, Caviston, Green, Phillips

Nays: None

Absent: McKinney, Lewis

The motion carried.

11. PAYMENT OF BILLS

It was moved by Caviston, supported by Green, that the bills be paid as submitted the following amounts: General Fund - \$1,410.00 for a total of \$1,410.00; further that the Record of Disbursements be received as submitted.

The motion carried.

12. PLEAS AND PETITIONS

There were none.

13. ADJOURNMENT

It was moved by Williams, supported by Green, that the meeting adjourn. The motion carried and the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Kay Williams, Clerk