

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
OCTOBER 1, 2007
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 October 1, 2007, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

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

4. ADOPTION OF AGENDA

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

The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF SEPTEMBER 17, 2007

It was moved by McKinney, supported by Lewis, to approve the minutes of the regular Board meeting of September 17, 2007, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

There was none.

7. REPORTS

A. SUPERVISOR

The Supervisor reported on six items:

1. The administrative staff has been working on the 2008 budgets. With the drop in the number of applications for building permits, the Building Department no longer needs, nor has the resources to pay for, the receptionist three days per week. The position

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will be reduced to part-time with the General Fund funding two days each week and the Building Fund paying for one day per week. The current receptionist has been informed of the situation.

2. At the August 6, 2007, Board meeting the Board approved the placement of three benches at the bus stops along MacArthur Boulevard to be funded from the Side Street Maintenance Fund. After further review of the Special Assessment District regulations, it was found that the funds could not be used for benches. However, AATA will provide benches at no cost to the Township if we prepare the pads for them, the paths from the non-motorized trail to the pad and the street, and provide snow removal.
3. The bathroom shower leaked in the new Fire Hall (Station 1) and water got behind the tiles causing mold to grow. This is in addition to the ongoing problems of the floors of the bays and the leaking roof. As this problem could cause illness to the fire fighters, it needs to be corrected immediately and worry about who is responsible for payment later.

It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board authorize the Fire Chief to secure bids to fix the showers and eradicate the mold in Station 1.

The motion carried.

4. Ypsilanti City and Ypsilanti Township held a Hazard Waste Collection Day in September and six Superior Charter Township residents participated at a cost to the Township of \$570.00
5. The bids for the proposed roundabout at Geddes and Superior Roads were less than estimated at \$1,650.00. The actual bid was \$1,165,000. The completion date is June 6, 2008.
6. Rick Church, Utilities Director, has been selected for the Willow Run Schools Hall of Fame. He will be honored at a banquet on October 27.

**B. DEPARTMENT REPORTS: UTILITY DEPARTMENT,
PLANNING MONTHLY REPORT, ZONING REPORT, PARK
COMMISSION MINUTES**

It was moved by McKinney, supported by Green, that the Utility Department Report dated September 28, 2007, Report on Planning Department Activities for September 2007, the Zoning Report dated

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September 25, 2007, and the Park Commission minutes for August 28, 2007 be received.

Rick Church, Utilities Director, and Diana Ravis, Utilities Office Manager, were present to answer questions.

The motion carried.

8. COMMUNICATIONS

There were none.

9. UNFINISHED BUSINESS

There was none.

10. NEW BUSINESS

A. RESOLUTION – UTILITY ORDINANCE FEES

The Ypsilanti Area Utilities Authority (YCUA) and Ann Arbor Township have informed the Superior Charter Township Utilities Department that water and sewer rates to the Township will be raised. Also the new Utilities Ordinance has a section for a security deposit for renters which is to be set by resolution of the Board.

Rick Church, Utilities Director, was present to answer questions.

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
October 1, 2007**

**AN AMENDMENT TO THE RESOLUTION ADOPTED
FEBRUARY 27, 1996, TO DETERMINE RATES, FEES, AND CHARGES
RELATED TO SEWER AND WATER SERVICES PROVIDED BY THE
TOWNSHIP'S UTILITY DEPARTMENT**

WHEREAS, this Board is authorized by statute and by the provisions of Township Ordinance No. 133 to determine by resolution rates, fees and charges for services and benefits by Township's sewer and water systems, and

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WHEREAS, Ann Arbor Township has increased the charge for water to Superior Charter Township by 19.5% and for sewer by 4.12%, and

WHEREAS, Ypsilanti Community Utilities Authority has increased the charge for water to Superior Charter Township by 5.17% and for sewer by 2.61%, and

WHEREAS, the Superior Charter Township Utility Fund may not operate at a deficit, and

WHEREAS, this Board finds that the amended proposed schedule of fees is reasonable and necessary for the continuing operations of the Township Utility System and consistent with the past practices and policies of the Township;

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board does hereby determine that the fees for services and benefits furnished by the Township's sewer and water systems shall be amended per the attachment.

BE IT FURTHER RESOLVED that the Township Clerk shall cause a certified copy of this Resolution, together with the attachment, to be published in the Ypsilanti Courier within 30 days after the date of passage of this Resolution and the fees and charges set forth in the attachment shall become effective on the day after such publication.

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 October 1, 2007.

Kay Williams, Superior Township Clerk

Roll call vote:

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

Nays: None

The motion carried.

B. RESIDENT'S REQUEST TO WAIVE LATE PENALTY OF \$8.10

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Bern DeBacker, 8282 Barrington Drive, asked the Board to waive the late fee of \$8.10 because the Bill Payment Service offered by his credit union, DFCU Financial, did not get the payment to the Township on time even though he authorized the check earlier. The Credit Union said that they mailed the check on June 13, but the Township did not receive the check until Wednesday, June 20. It was due on Monday, June 18. Township policy is to add a late fee when the payment does not arrive by the due date.

It was moved by Williams, supported by Phillips, that the Superior Charter Township Board deny the waiver of the late fee for Mr. Bern DeBacker of 8282 Barrington Drive, as the Township did not receive the payment on time.

The motion carried.

C. FIRE DEPARTMENT PURCHASES – PURCHASE OF THERMAL IMAGING CAMERA

The thermal imaging camera has not worked for the past several weeks. It is over eight years old and would cost between \$2,000 to \$6,000 to repair. Fire Fighter French researched new cameras and found the best buy for a camera with plenty of power. Chief Roberts recommended that the camera be purchased with funds from the equipment line item.

Fire Fighter Jeff French and Captain Shaun Bach were present to answer questions.

It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board concur with the recommendation of Fire Chief Roberts and purchase a MSA Evolution 5200 Thermal Imaging Camera for \$9,800.00 from Apollo Fire Equipment Company with the funds coming from line item 206-336-980.

Roll call vote:

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

Nays: None

The motion carried.

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**D. CONTRACT WITH URBAN COUNTY FOR FUNDS FOR
CLARK ROAD NON-MOTORIZED TRAIL**

It was moved by Caviston, supported by McKinney, that the Superior Charter Township Board authorize the Supervisor to sign the County of Washtenaw Community Development Agreement (Block Grant CDBG Program) to receive \$125,000.00 in 2007 Urban County DCBG funding as a grant to the Township which will leverage \$131,000.00 in funding from the Washtenaw County Parks and Recreation Commission and approximately \$6,000.00 from Superior Charter Township to extend the Washtenaw County Border-to-Border Trail system along Clark Road from Prospect to Devon.

Roll call vote:

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

Nays: None

The motion carried.

**E. AGREEMENT FOR ASSISTANCE IN PURCHASE OF
DEVELOPMENT RIGHTS FOR THE SCHULTZ FARM**

At the August 20 Board meeting the Board authorized the expenditure of \$10,000 toward the purchase of development rights for the Schultz Farm, which the Board had promised on March 21, 2005.

After the Board approved the expenditure, the question came up about the legality of doing so. John Etter researched the issue and found that it was permissible if a contract between the Township and the Conservancy were executed under the terms of our PDR Ordinance.

It was moved by McKinney, supported by Lewis, that the Superior Charter Township Board authorize the Supervisor to sign the following contract:

**AGREEMENT FOR ASSISTANCE IN
PURCHASE OF DEVELOPMENT RIGHTS**

This AGREEMENT made this 1st day of October, 2007, between the CHARTER TOWNSHIP OF SUPERIOR, a Michigan municipal corporation, (hereinafter referred to as "TOWNSHIP"), whose address is 3040 North Prospect Road, Ypsilanti, Michigan 48198, and the SOUTHEAST MICHIGAN LAND CONSERVANCY, a Michigan non-profit

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corporation, (hereinafter referred to as "CONSERVANCY"), whose address is 8383 Vreeland Road, Ypsilanti, Michigan 48198.

WITNESSETH:

WHEREAS, the CONSERVANCY has contracted to acquire a FARMLAND CONSERVATION EASEMENT (hereinafter referred to as "EASEMENT"), from Robert H. Schultz the following described premises situated in the Township of Superior, County of Washtenaw State of Michigan:

The Southeast 1/4 of Section 27, T2S R7E, Superior Township, Washtenaw County, Michigan excepting there from the following two parcels of land:

Parcel 1 -

Beginning at the 1/2 section line of Section 27, Superior Township, Washtenaw County, Michigan on the Southwest corner of land described as follows: The Southeast 1/4 of Section 27, T2S R7E; Thence Easterly 132 feet; Thence Northerly 330 feet; Thence Westerly 132 feet; Thence Southerly 330 feet to the POINT OF BEGINNING.

Parcel 2 -

Commencing at the Southeast corner of Section 27, T2S R7E, Thence West along the South line of said Section 27, 1050 feet to the Point of Beginning of this description; Thence 90° North 218 feet; Thence 90° West 200 feet; Thence 90° South 218 feet; Thence 90° East 200 feet to the Point of Beginning of this description.

Approximately 158 acres

Property I.D. Number: J-10-27-400-002; and

WHEREAS, said EASEMENT was recorded in Liber 4644, Page 80, Washtenaw County Records on September 7, 2007; and

WHEREAS, this TOWNSHIP is authorized by Section 157.03(3) of the TOWNSHIP's duly adopted Purchase of Development Rights Ordinance ("PDR Ordinance") to "*contract with recognized and legally established nonprofit land trusts or other experienced and qualified nonprofit groups or government agencies to participate jointly in the acquisition of interests in eligible lands.*";

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WHEREAS, the Township Board pledged the sum of Ten Thousand (\$10,000.00) Dollars to the CONSERVANCY as part of the matching funds required to be raised by the CONSERVANCY in aid of the acquisition of the EASEMENT;

WHEREAS, the Township Board has reviewed and approved the terms and conditions of the EASEMENT and is satisfied it is consistent with the zoning and planning goals of the Township, as well as the intent of the TOWNSHIP's PDR Ordinance;

NOW, THEREFORE, the parties hereto agree as follows:

- 1. Pursuant to its previous pledge, TOWNSHIP shall pay to CONSERVANCY the sum of Ten Thousand (\$10,000.00) Dollars to assist CONSERVANCY in repayment of temporary borrowing for the acquisition of the EASEMENT;**
- 2. CONSERVANCY pledges to TOWNSHIP that it will assure that the terms of the EASEMENT are enforced and carried out to the best of the CONSERVANCY's ability and particularly to carryout the Stewardship responsibilities of CONSERVANCY as set forth in paragraph 29 of the EASEMENT.**
- 3. Pursuant to the EASEMENT, CONSERVANCY agrees to notify TOWNSHIP at least 60 days prior to any assignment of the EASEMENT or any proceedings to extinguish or condemn the EASEMENT and to tender back to TOWNSHIP a pro-rata share of any proceeds received by CONSERVANCY as a result of said proceedings.**
- 4. In the event that the CONSERVANCY fails to enforce any of the terms of the EASEMENT, and both the United States of America and the Washtenaw County Parks and Recreation Conservations decline to exercise their rights under the EASEMENT, the TOWNSHIP shall have the right to seek enforcement through any and all laws and authorities available under Federal or State law.**
- 5. Any notices required to be given to TOWNSHIP by CONSERVANCY shall be addressed as follows:**

**Superior Charter Township
3040 N. Prospect Road
Ypsilanti, Michigan 48198**

IN WITNESS WHEREOF the parties have executed this AGREEMENT on this 19th day of September, 2007.

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SOUTHEAST MICHIGAN LAND CONSERVANCY

**By: Jack R. Smiley
Its: Executive Director**

CHARTER TOWNSHIP OF SUPERIOR

**By: _____
William A. McFarlane
Its: Supervisor**

***Drafted by:*
John L. Etter (P13233)
Reading, Etter & Lillich
101 North Main Street, Suite 101
Ann Arbor, Michigan 48104
(734) 769-9050**

***When recorded return to:*
Kay Williams, Clerk
3040 N. Prospect
Ypsilanti, MI 48198**

Roll call vote:

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

Nays: None

The motion carried.

F. HAZARDS MITIGATION PLAN ANNUAL REVIEW

It was moved by Caviston, supported by Williams, that the Superior Charter Township Board receive the letter from the Fire Chief stating that the annual review of the Township's Hazards Mitigation Plan indicates that the Township continues to comply with the Plan.

The motion carried.

G. AATA PURCHASE OF SERVICE AGREEMENT

The annual Purchase of Service Agreement for bus service in the Township has a 9.5% increase for fixed route service and an 84.4%

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increase for A-Ride service. The fixed route service has increased because of the cost of fuel. This has also affected the cost of A-Ride, but the large increase in cost for A-Ride is attributable to an increase in calls for service. Many of the increased calls for service are from the Village at St. Joe, which does not pay taxes, and the Supervisor will be contacting St. Joe concerning the added costs to the Township.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board authorize the Supervisor to sign the Purchase of Service Agreement with the Ann Arbor Transportation Authority for service between October 1, 2007 through September 30, 2008, for fixed route service for \$17,173 and A-Ride service at \$14,710.

Roll call vote:

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

Nays: None

The motion carried.

H. TERMINATION OF TREASURER'S ASSISTANT

On August 6 the Board approved the hiring of (employee name deleted per the policy of the Superior Charter Township Board) for the position of Treasurer's Office Administrative Assistant. For several reasons, including lack of necessary accounting skills, a tendency to repeat mistakes, scheduling inflexibility, and disrespect to the Treasurer and staff, the Treasurer requested that she be terminated as Treasurer's Assistant.

It was moved by Caviston, supported by Phillips, that the Superior Charter Township Board concur with the recommendation of the Treasurer and terminate the employment of (employee name deleted per the policy of the Superior Charter Township Board) as Treasurer's Office Administrative Assistant effective immediately.

The motion carried.

I. BUDGET AMENDMENTS

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It was moved by Caviston, supported by McKinney, that the Superior Charter Township Board approve the following amendments to the 2007 General Fund and Fire Fund Budgets:

General Fund

Increase the following line items:

101-000-695-075	Grants- Non-motorized Trail	\$202,000.00
101-000-609-000	Accounting Services	7,012.00
101-265-978-000	Land and Buildings(Brothers)	8,027.00
101-191-727-100	Elections- Supplies	2,000.00
101-000-607-033	Engineer Review Fees	3,000.00
101-000-664-075	Tax Collection Interest	3,500.00
101-266-947-014	Non-motorized Trail	192,000.00
101-266-947-033	Sidewalk Replacement	15,000.00

Decrease the following line items:

101-000-574-000	State Shared Revenue	\$ 22,994.00
101-210-801-075	Attorney/Environmental Impact	70,000.00
101-191-703-000	Election – Contract Services	2,000.00
101-000-607-000	Planning – Basic Fees	3,000.00
101-215-715-000	FICA – Clerk	1,500.00
101-265-920-000	Utilities	4,000.00
101-265-930-000	Repair and Maintenance	9,000.00
101-000-699-000	Appropriation/Fund Balance	64,991.00

Fire Fund

Increase the following line items:

206-336-980-000	Equipment	\$ 7,000.00
206-336-930-000	Repair & Maintenance	10,000.00

Decrease the following line item:

206-890-890-000	Contingencies	17,000.00
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Roll call vote:

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

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Nays: None

The motion carried.

J. ADDITIONAL ROAD IMPROVEMENT PROJECTS

The cost of the road improvement projects approved by the Board in May were less than estimated and the Road Commission has informed the Township that \$52,000 that was allocated for improvement projects has not been spent. Several projects were offered to the Board for additional projects for 2007 subject to competitive bid.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board approve the following additional Road Commission Improvement Projects for 2007:

1. Norfolk – Sheffield to Savannah – work to include curb reveal and the placement of 3” of bituminous overlay – estimated project cost - \$40,900
2. Nottingham - Clark to Nottingham Court – work to include milling and placement of a 3: bituminous overlay – estimated project cost - \$13,000.

Roll call vote:

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

Nays: None

The motion carried.

11. PAYMENT OF BILLS

It was moved by Caviston, supported by McKinney, that the bills be paid as presented in the following amounts: General Fund - \$7,068.25 and Utilities Fund - \$47,024.14 for a total of \$54,092.39.

The motion carried.

12. PLEAS AND PETITIONS

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Ellen Kurath, 2203 Hickman, is concerned about the proposed roundabout at Geddes and Superior because it does not allow for signals for pedestrians crossing or adequately provide for water run-off. She has discussed these concerns with the Road Commission but has not been satisfactorily answered.

13. ADJOURNMENT

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

The motion carried and the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Kay Williams, Clerk