

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
OCTOBER 20, 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 October 20, 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, Brenda McKinney (late), Nancy Caviston, Rodrick Green, Lisa Lewis, and David Phillips.

4. ADOPTION OF AGENDA

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

The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF OCTOBER 6, 2008

It was moved by Caviston, supported by Green, to approve the minutes of the regular Board meeting of October 6, 2008, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

A. PUBLIC HEARING ON 2009 PROPOSED BUDGETS-ALL FUNDS

It was moved by Phillips, supported by Caviston, that the Public Hearing on the proposed budgets for FY2009- all funds be opened.

The motion carried.

Supervisor McFarlane, Treasurer McKinney, Accountant Mumm, Fire Chief Roberts, Utilities Director Rick Church, and the Accountant for the Parks Department and Utilities Department, Keith Lockie, presented the proposed budgets for FY2009. Highlights of the proposed budgets included:

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- Property tax revenues for the General Fund increased about 4.2% due to new construction. The Headlee Override was not approved. The General Fund millage rate was set at .8192 mills. State Shared Revenue will increase very slightly by about .05%. Due to decreases in other revenue line items, total revenue for FY2009 is projected to be about 4.5% less than 2008. Reductions are budgeted for Attorney fees, Elections and Planning. Employees are budgeted for a 3% Cost of Living allowance (COLA). Elected officials are budgeted for a 2% COLA. These raises are offset by a reduction in the number of Township employees and a reduction in the total expenditure for the offices of each elected official. Also included in the 2009 budget are funds for tax charge backs resulting from possible paybacks ordered by the Board of Review and Tax Tribunal. \$12,635.00 is budgeted to be transferred to the General Fund Reserve Fund.
- Spending on roads is budgeted to increase about 6.6% from FY 2008 to \$220,000.00. In 2008 \$133,000.00 was spent on road projects north of Geddes Road and \$129,000.00 for road projects south of Geddes Road. The Supervisor has requested Urban Funds to repair Plymouth Road from M153 to Dixboro.
- Transfer from the General Fund to the Parks and Recreation Department has been increased by 11% over FY 2008. Increased expenditures include park maintenance staff salaries (due to job restructuring), tools and a 3.1% increase for Park Commissioner's salaries.
- Utilities have proposed a balanced budget based on revenues from connection fees on 30 new single family dwellings. Utilities is anticipating a 6% increase in water and sewer rates from YCUA. Superior Township Utilities has proposed NOT passing this increase on to Superior Township residents and have budgeted for this additional expense. No major capital improvements have been budgeted for 2009.
- Due to the reduction in the millage, the Fire fund has a proposed decrease in property tax revenue of about 7%. Fire Chief James Roberts indicates that there was adequate revenue for a balanced budget and for an adequate transfer to the Truck Replacement Fund so that two 19 year old fire engines can be replaced on schedule.
- The Law Fund's 2.25 mills will generate \$1,349,257.00. This continues to fund nine deputies. There is additional revenue to allow a transfer of \$154,190.00 into the Reserve Fund. Deputies are budgeted for \$10,000.00 a year in overtime. There are also additional funds budgeted for overtime in special operations, if they are needed. In FY 2008, the actual overtime will probably result in a \$5,000.00 per officer charge. The collaboration with Ann Arbor Township is working well and results in 13 deputies being available for the two townships. If the Sheriff Department can justify the

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assignment of another deputy, funds are available for adding a tenth deputy to Superior Township.

- Due to the slow down in the housing and construction markets, the Building Fund is proposing to appropriate from reserves in order to meet budgeted expenditures. Activity within the Building Department will be watched closely in order to determine if cost reductions are needed.
- The last collection for the Legal Defense Fund millage occurred with the Winter 2007 Tax Collection. The anticipated fund balance for the end of FY2008 is \$152,471.00. There is one pending lawsuit and several potential lawsuits, however, the insurance for lawsuits has been increased and the fund should be adequate.
- The remaining funds, Streetlight Fund, Sidestreet Maintenance Fund, Hyundai Special Assessment Fund were reviewed and discussed. They are all balanced and in sound condition.
- Township Accountant, Susan Mumm, presented and reviewed her "Fund Balance/Reserves Projections All Funds As of 10/20/08". She indicated that all reserves are adequate and within the range as recommended by the Township Auditor.

Jan Berry, Superior Township Parks Commission Chairperson, commented that the Parks Department was not budgeting for any summer recreation programs because the Willow Run Schools offers the same programs at no cost. She also said that the current park maintenance supervisor saves the Township money because he does not participate in the Township's health care plan.

Michael David Ben Dor thanked Supervisor McFarlane for working hard and doing a good job on the budget.

It was moved by Caviston, supported by Green, that the Public Hearing be closed.

The motion carried.

The Board will take action for the approval of the budgets for all funds for 2009 at the next regular Board meeting, which will be held on November 3, 2008.

B. OTHER NON-AGENDA ITEMS

Sandi Lopez inquired about the status of the investigation of alleged wetlands violation in the area of Cherry Hill and Berry Roads. Several site visits have been completed and preliminary determinations indicated that there were no wetlands violations. Further investigations and reports will be forthcoming.

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Michael David Ben Dor commented that the Washtenaw County Solid Waste Consortium has begun a campaign to educate the public about the dangers of flushing prescription medications down public wastewater drains.

7. REPORTS

A. SUPERVISOR

The Supervisor reported on seven items:

1. A news letter was circulated in the Township. The editors of the newsletter were unsuccessful in their bid for elected office during the August 2008 primary election. It contained references to the North area of the Township versus the South area of the Township, Geddes Road being a Mason Dixon Line, the Civil War lives in Superior Township, and articles about roads, millages, taxes and Township officials. McFarlane indicated that he felt the content of the newsletter was inaccurate, not factual, filled with lies and hate and was attempting to divide the Township. He indicated that some of the language was offensive, divisive and was harmful to the Township. He rejected any attempts to divide the Township. He encouraged people to work on positive goals that would benefit the Township. He indicated that the annual blanket drive by Brenda McKinney, Ellen Kurath's work with the Roads Committee, Brenda Baker's involvement with the Unity Committee, and Marion Morris', Tom Freeman and Ken Swartz's work with land preservation were all examples of positive activities that were beneficial to the Township. Several Board members also expressed their dissatisfaction with the newsletter.
2. In 2012, Plymouth Road, from M-153 to Dixboro Road, is scheduled for overlay. Construction will be paid for with federal urban county funds. The Washtenaw County Parks Department may also pay for the addition of a four foot wide shoulder extension bicycle path.
3. Supervisor McFarlane and David Phillips attended a countywide workshop on transfer of development rights across jurisdictions. It was suggested that the Cities of Ann Arbor and Ypsilanti could be "receiving zones" for "sending zones" located in surrounding townships.
4. Supervisor McFarlane, Treasurer McKinney and David Phillips met with two Willow Run Schools Board members and Superintendent Hope-Jackson to discuss the Township sharing the school district's Sheriff Deputy. Also discussed was the school district donating several acres of property it owns on Harris Road in order to build a community events building. No resolution was reached. The school district took the issues under consideration.

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5. The roads in the Golfview Estates subdivision have not been properly completed. The base asphalt course has been completed, but the asphalt wear course has not. The Road Commission will not accept the road, or perform winter maintenance (plowing and salting), until the wear coat is completed. This creates problems for school buses and travel within the subdivision.

It was moved by Williams, supported by Caviston, that the Superior Township Board direct the Supervisor to forward correspondence to the Washtenaw County Road Commission requesting that they waive the number of homes needed to be completed in order to accept the subdivision roads and cash the performance bond for Golfside Estates so that the monies can be used to complete the wear coat.

The motion carried.

6. There are holes and ruts that need to be filled at the North Prospect Park as they create a safety hazard. Ellen Kurath and Karl Williams have volunteered to plant trees in the park, but they cannot plant them until the site is graded. The Park Department will identify the areas that need to be filled and the Supervisor will solicit bids for grading of the park.
7. The Clark Road non-motorized trail has been completed. The total cost was \$229, 406.00. Urban County Federal HUD funds contributed to \$125,000.00 to the cost of the trail, Washtenaw County Parks contributed \$99,406.38, and the Township's cost was \$390.39.

B. DEPARTMENT REPORTS: FIRE, BUILDING, SHERIFF, ORDINANCE OFFICER,

It was moved by Williams, supported by McKinney, that the Fire Department Report for September, the Building Department for September, the Sheriff Department Report dated October 9, 2008, 2008, the Ordinance Officer report for September/October, the Treasurer Report on Online Tax Payments, and Treasurer's Investment Report be received.

At about 8:05 PM, Washtenaw County Sheriff Department Lt. Anuszkiewicz arrived and made a report to the Township Board. He commented on the policing of the MacArthur Boulevard area, response times to various areas of the Township and the budgeting and use of overtime.

The motion carried.

8. COMMUNICATIONS

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A. LUCAS LAW, PC, ACO V. SUPERIOR TOWNSHIP

ACO, Development, Inc., filed suit after they were denied a Conditional Use request to construct a mini-storage facility at the southeast corner of Plymouth and Gottredson Roads. The Township was awarded Summary Disposition by the Washtenaw County Circuit Court. The decision was affirmed by the Court of Appeals. The Complainant had until October 7, 2008 to file for an appeal to the Supreme Court. The complainant did not file an appeal by the required deadline. The Summary Disposition is upheld and Lucas Law, PC is closing their file on the litigation.

It was moved by McKinney, supported by Caviston that the Superior Charter Township Board receive the communication from Luca Law, PC, regarding the affirmation of the Summary Disposition of ACO Development vs. Superior Charter Township.

The motion carried.

9. UNFINISHED BUSINESS

a. There was none.

10. NEW BUSINESS

A. FUNDING PARTNERSHIP FOR EXTENDING THE NON-MOTORIZED TRAILS.

The Washtenaw County Road Commission has received a Federal Grant for installation of a non-motorized trail along the south side of Geddes, from Prospect to Ridge Roads. The total cost of the project is approximately \$500,000. The Grant requires a match. Some of the matching funds will be provided by the Washtenaw County Parks and Recreation Commission. The Township's share of the match will initially be \$10,000, but may increase to \$20,000.00

It was moved by Phillips, supported by Lewis, to authorize Supervisor McFarlane to proceed with continued discussion and negotiations regarding this matter.

The motion carried.

B. FAIR AND ACCURATE CREDIT TRANSACTION ACT RESOLUTION

The Federal Trade Commission (FTC) has made recent determinations that when municipalities extend credit, bill in arrears, or possess certain personal identification information, they must comply with the Federal Red Tag Rules, and Fair and

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Accurate Credit Transaction Act requirements (FACTA). These rules require implementation of an identity theft program and require affected municipalities to adopt a policy or ordinance that complies with the rules of the FACTA. According to the Michigan Township Association, by November 1, 2008, townships should adopt a resolution of intent to comply with the FACTA.

It was moved by McKinney, supported by Caviston, that the Superior Charter Township adopt the following resolution:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
OCTOBER 20, 2008
A RESOLUTION TO ESTABLISH A POLICY FOR THE
IMPLEMENTATION OF AN IDENTITY THEFT PREVENTION PROGRAM**

WHEREAS, the Superior Charter Township Board of Trustees has recently been informed that the new Federal Red Flag Rules and Fair and Accurate Credit Transaction Act (FACTA), concerning implementation of an identity theft prevention program, applies to municipalities extending credit to consumers for such things as utility services and special assessments.

IT IS HEREBY RESOLVED that the Superior Charter Township staff and consultants are directed to draft a policy or ordinance for implementation of an identity theft prevention program that complies with the rules and FACTA for consideration by the Township Board as soon as reasonably possible.

Roll call vote:

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

Nays: None

The motion carried.

C. HURON RIVER WATERSHED COUNCIL-OPPORTUNITY FOR ROAD MAINTENANCE

The Huron River Watershed Council is applying for a grant to design road and ditch maintenance practices which utilized natural vegetation. The Huron River Watershed Council proposes to partner with Superior Township and the Washtenaw County Road Commission to implement the new design in one or two

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test sites in Superior Township. The Huron River Watershed Council requested that the Supervisor send a letter of commitment before October 29, 2008.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board authorize the Supervisor to forward the commitment of Superior Charter Township to Huron River Watershed Council to participate in the grant to design road and ditch maintenance practices which utilize natural vegetation.

The motion carried.

D. FALSE ALARM ORDINANCE VIOLATIONS ON 2008 TAX ROLL

It was moved by McKinney, supported by Caviston, that the Treasurer be authorized to place the unpaid False Alarm Ordinance Violations on the Winter 2008 tax roll. The total amount to be collected is \$980.00

Roll call vote:

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

Nays: None

The motion carried.

E. OAKBROOK AND WASHINGTON SQUARE SPECIAL ASSESSMENT ON THE 2008 TAX ROLL

It was moved by McKinney, supported by Green, that the Superior Township Board authorize the Treasurer to levy the Oakbrook and Washington Square Side Street Maintenance Special Assessments on the Winter 2008 tax roll in the amount of \$17,420.00.

The motion carried unanimously.

F. WEED ORDINANCE VIOLATIONS OF 2008 TAX ROLL

It was moved by McKinney, supported by Lewis, that the Superior Township Board authorizes the Treasurer to levy the unpaid grass cutting violations on the winter 2008 tax roll in the amount of \$3,050.00.

Roll call vote:

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

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Nays: None

The motion carried.

**G. HYUNDAI ROAD IMPROVEMENT SPECIAL ASSESSMENT ON THE
2008 TAX ROLL**

It was moved by McKinney, supported by Caviston, that the Treasurer be authorized to place the Hyundai Road Improvement Special Assessment on the Winter 2008 tax roll. The total amount to be collected on the 2008 Tax Roll is \$192,500.00.

Roll call vote:

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

Nays: None

The motion carried.

H. BUDGET AMENDMENTS

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

General Fund:

Increase the following line items:

101-728-728-000	Economic Development	\$5,000.00
101-965-965-051	Transfer to Non-Motorized Trail Upkeep Reserve	\$1,000.00

Decrease the following line items:

101-965-965-000	Transfer to Reserves	\$5,000.00
101-446-867-00	Non-Motorized Trails Upkeep	\$1,000.00

Building Fund

Increase the following line items:

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249-371-258-000	Computer Equip and Support	\$1,100.00
249-371-958-000	Books and Periodicals	\$2,000.00
249-000-610-025	Temo Occ Admin Fees	\$1,600.00
249-000-610-075	106 Inspections Revenue	\$4,935.00

Decrease the following line items:

249-00-699-00	Approp from Fund Balance	\$3,435.00
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Roll call vote:

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

Nays: None

The motion carried.

11. PAYMENT OF BILLS

It was moved by Williams, supported by McKinney, that the bills be paid as submitted in the following amounts: Utilities Fund - \$12,990.86, for a total of \$12, 990.86; 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 McKinney, supported by Green, that the meeting adjourn. The motion carried and the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Kay Williams, Clerk

William McFarlane, Supervisor

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