

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 6, 2006
APPROVED 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 November 6, 2006, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

The members present were William McFarlane, Kay Williams, Brenda McKinney, Nancy Caviston, Rodrick Green, 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 OCTOBER 16, 2006

It was moved by Caviston, supported by McKinney, to approve the minutes of the regular Board meeting of October 16, 2006, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

A. NON-AGENDA ITEMS

Ann Robbins, 6100 Vreeland, asked when Wireless Washtenaw will be available. McFarlane said that Manchester, Saline, and Ann Arbor City would be getting service in December and it should be available in the rest of the County by late next year.

B. PUBLIC HEARING – 2007 BUDGETS

It was moved by Caviston, supported by Lewis, that the Public Hearing on the 2007 Budgets be opened.

The motion carried.

McFarlane led the discussion of each budget by explaining the changes from the 2006 budgets. Susan Mumm, Accountant, Keith Lockie, Accountant for the Utility Fund, and Utility Director Rick Church were present to answer questions.

It was moved by Williams, supported by McKinney, that the Public Hearing be closed.

The motion carried.

7. REPORTS

A. SUPERVISOR

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The Supervisor reported on six items:

1. McFarlane asked Attorney Stefani Carter to review the legality of potential ordinances acquired from other communities for removing disabled vehicles from private property.
2. Riverine Development Company (Rock Estates) may withdraw the application from the MDEQ for the wastewater permit for a 1,950 manufactured-home community. They likely would then apply to Superior Charter Township for a Zoning/Growth Management Plan Amendment for a housing development for approximately 900 homes on the site. It then becomes a land use issue, rather than an environmental issue. In a related matter, Attorney General Cox has issued an Opinion that the new law that says that a developer must obtain zoning before applying for a wastewater permit from the MDEQ is not valid.
3. The Township continues to investigate a regional police force. The Committee of seven municipalities will be sending out a Request for Information this week. The RIF's should be back in December and, after evaluating them, a Request for Proposal will be developed for a February submittal.
4. The Township Board is invited to a Willow Run School Board Meeting on November 14 at 5:30 p.m. at the High School Media Center.
5. The Township is investigating adding an umbrella policy for liability insurance to cover potential lawsuits.
6. The ACO lawsuit has been postponed until February 20, 2007.

B. DEPARTMENT REPORTS: UTILITY DEPARTMENT, BUILDING DEPARTMENT, PLANNING ADMINISTRATOR, PARK COMMISSION MINUTES

It was moved by Caviston, supported by Green, that the Utility Department Report for October, the Building Department Report for October, the Planning Administrator Report dated October 31, the false alarm report, and the Park Commission minutes for the September 25, 2006 meeting be received.

The motion carried.

C. SEPTEMBER 2006 FINANCIAL STATEMENTS – ALL FUNDS

It was moved by Lewis, supported by Phillips, that the Superior Charter Township Board receive the September 2006 Financial Statements for the following funds: General, Fire, Law Enforcement, Parks and Recreation, Streetlights, Payroll, Trust and Agency, Building, Side Street Maintenance, Fire Reserve Fund, and Fire Construction Bond Fund.

The motion carried.

8. COMMUNICATIONS

A. WASHTENAW COUNTY ROAD COMMISSION – SERVICE LEVEL ADJUSTMENTS

The Washtenaw County Road Commission has made several cost-saving adjustments which will result in reduction in the current level of service. Some of the items include the requirement of 50% participation from townships on all local bridge projects, imposition of a hiring freeze, implementation of co-pay adjustments for health insurance, and a reduction in the pavement resurfacing program.

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It was moved by Williams, supported by McKinney, that the letter from the Washtenaw County Road Commission concerning cost-saving adjustments be received.

The motion carried.

B. WASHTENAW COUNTY BROWNFIELD REDEVELOPMENT PROGRAM UPDATE

Jessica Eisenman, Senior Brownfield Planner for Washtenaw County Department of Planning & Environment, sent an overview of the program achievements and requested comments on the policies and procedures of the program.

It was moved by Caviston, supported by McKinney, that the communication from Jessica Eisenman be received.

The motion carried.

C. AATA – A-RIDE SERVICE

During the last 12 months the number of trips requested by Superior Charter Township for A-Ride Service is 2 ½ times the number of the previous twelve months. During July, 15 residents used the service 154 times; during August 16 residents used the service 186 times; and during September, 14 residents used the service 172 times.

It was moved by Williams, supported by Phillips, that the communication from AATA regarding A-Ride service be received.

The motion carried.

9. UNFINISHED BUSINESS

There was none.

10. NEW BUSINESS

A. PENNINGTON CONTRACT TO UPDATE ZONING ORDINANCE

The Zoning Ordinance needs to be updated to comply with the Growth Management Plan and current statutes. Changes in format will make it easier to read and find information. The last major update was in 1997. The Township Planners, Donald Pennington and Rodney Nanney, who were present, have prepared a proposal to update the zoning ordinance as follows:

Description of Services:

Prepare the updated Superior Charter Township Zoning Ordinance to comply with the new Michigan Zoning Enabling Act (Public Act 110 of 2006), and to incorporate a comprehensive list of text updates identified by the Township. We anticipate that this project will include the following:

1. Compile a comprehensive list of text updates in consultation with the Township Supervisor, Clerk, Planning Commission, and Township officials/staff;
2. Research and prepare an updated draft Zoning Ordinance text with all requested

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revisions;

3. Track all changes to the draft Zoning Ordinance text identified by the Planning Commission and Township officials through the review process;
4. Prepare a Composite Draft Zoning Ordinance for the Planning Commission public hearing and Township Board consideration;
5. After Township Board approval, prepare the final approved Zoning Ordinance text, including all final changes as directed by the Township Board; and
6. Prepare end products - one (1) complete electronic copy of the adopted Zoning Ordinance on CD-R in the Microsoft Word and Adobe .PDF formats, plus one (1) complete, unbound paper copy ready for duplication.

TOTAL FEE: \$19,000 - \$21,000.00 – estimated at an hourly rate -

Meetings, and additional revisions beyond those specified above, will be billed at the regular hourly rate of \$65.00 per hour.

It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board authorize the Supervisor to sign the Contract with Planning Consultants Donald N. Pennington and Rodney C. Nanney, to update the current zoning ordinance for services as described above for a sum not to exceed \$21,000.00.

Roll call vote:

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

Nays: None

The motion carried.

B. RESOLUTION – ANN ARBOR TOWNSHIP UTILITIES RATE INCREASES

Ann Arbor Township has recently informed the Township that a rate increase in water and sewer charges and special connection fees which have been in effect retroactive to July 1, 2006. The new rates will be effective for bills in the Ann Arbor Township Service Area as of November 1, 2006.

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

SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
November 6, 2006

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

At a regular meeting of the Township Board of Trustees of Superior Charter Township, Washtenaw County, Michigan, held at the Township Hall of said Township on the 6th of November, 2006, at 7:30 p.m. Eastern Standard Time, the following resolution was offered by McKinney, supported by Lewis.

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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

WHEREAS, Ann Arbor Township has increased the charge for water to Superior Charter Township by 31.5% and for sewer by 38.8%, 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 as set forth in the attached Schedule B; and

BE IT FURTHER RESOLVED that the Township Clerk shall cause a certified copy of this Resolution, together with the attached Schedule B, 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 Schedule B 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 November 6, 2006..

Kay Williams, Superior Township Clerk

November 6, 2006

**SCHEDULE B
August 21, 2006**

AMENDMENT TO PARAGRAPH 1 SECTION B OF THE RESOLUTION ADOPTED FEBRUARY 27, 1996, SCHEDULE OF RATES AND FEES, AND CHARGES RELATED TO SEWER AND WATER SERVICES PROVIDED BY THE TOWNSHIP'S UTILITY DEPARTMENT.

1. Service Rates:

B: Water and sewer (including wastewater treatment) rates for Township customers served from the Ann Arbor Charter Township system:

Water	\$4.002 per 100 cubic feet
Minimum quarterly billing	\$40.02 (1000 cubic feet)
Sewer/Wastewater Treatment	\$4.472 per 100 cubic feet
Minimum quarterly billing	\$44.72 (1000 cubic feet)

NOTE: All sewer rates and surcharges are based on water usage, except to the extent of water metered through a separate "Water-only" meter.

7. Special Connection Fees:

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All properties within the Township which receives water and sewer service pursuant to the Township's contract with Ann Arbor Charter Township shall pay the following special connection fees in addition to the Township's regular inspection/connection fee (these fees are pass-through fees):

<u>Service Line Size</u>	<u>Sewer Fee</u>	<u>Water Fee</u>
1"	\$ 2,199.05	\$ 2,394.43
1-1/2"	\$ 4,947.87	\$ 5,389.96
2"	\$ 8,791.21	\$ 9,582.71

9. Special Rates

Outside Services

Manpower	The average cost to the Township per man
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Residential Water Meter Test Fee:

At a homeowner's or resident's request, a residential water meter can be removed and sent for testing in order to validate its accuracy. A \$60.00 fee to remove and then reinstall the water meter will be charged to the homeowner or resident if, once tested, the meter falls within AWWA Standards.

Roll call vote:

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

Nays: None

The motion carried.

C. COMCAST AGREEMENT – UTILITY MAINTENANCE FACILITY

Comcast gives free service to the Township Hall, Fire Substation, and Utility Administration Building through the Cable Franchise, but will not add new buildings to the agreement.

It was moved by Caviston, supported by Green, that the Superior Charter Township Board authorize the Supervisor to sign the Contract with Comcast for cable service at the Utility Maintenance Facility for \$79.95 per month.

The motion carried unanimously.

D. 2006 TAX ROLL LIST FOR UTILITIES, FALSE ALARMS, ORDINANCE VIOLATIONS AND GRASS CUTTING

It was moved by McKinney, supported by Lewis, that the Superior Charter Township Treasurer is authorized to place the following on the 2006 Tax Rolls:

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False Alarms – July and August billings	\$ 70.00
Ordinance Violations	50.00
Grass Cutting	1,250.00
Utility Billings	83,198.49

Roll call vote:

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

Nays: None

The motion carried.

**E. UNITED MEMORIAL GARDENS PROPOSED
CHAPEL/MAUSOLEUM ADDITION**

The partially built Crypt at United Memorial Gardens cemetery has been in the planning stage for eight years with little work done on it. It has become a blight on the community. The Building Official has requested that the Township enforce the provisions of the Development Agreement, cash the \$400,000.00 performance bond, and restore the site. Peter Jensen from Miller Canfield was present to request that the bonds not be cashed because they began the project last week but could not finish it before spring because of the coming of winter. The Board wanted to know why it was not completed during this last summer as the Board had granted a six-month extension of the plan in April, 2006. Jensen said that the company had been working on other cemeteries; that they had purchased the cemetery in 2004, and had not had time to finish the crypt. Jensen would not provide a date for final completion.

After further discussion, it was moved by McKinney, supported by Caviston, that the Superior Charter Township Board adopt the following Resolution:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

NOVEMBER 6, 2006

**A RESOLUTION TO ENFORCE THE DEVELOPMENT AGREEMENT FOR
THE CONCRETE CRYPT BUILDINGS AT 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; 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

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

WHEREAS the Development Agreement states that the completion of the building will
be April 30, 2006; and

WHEREAS, at the request of the owners on March 20, 2006, the Superior Charter
Township Board adopted a Resolution to extend the completion date for 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 until October 30, 2006; and

WHEREAS other than the removal of some previously placed crypts, the Building
Official has found no progress on the site and the incomplete work is a blight on the
community.

NOW, THEREFORE, BE IT RESOLVED that the Superior Charter Township Board
does hereby direct the Building Official to work with the Township Attorney to

1. Cash the \$400,000.00 bond;
2. Utilize the bond money for all legal fee necessary to force the owner to
demolish the partially completed construction and restore the site; or
3. Utilize the bond money for legal fees necessary to permit the Township to
enter the site and demolish the unfinished structures and restore the site.

Roll call vote:

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

Nays: None

The motion carried.

F. RICK MAYERNIK – TEMPORARY SIGNS

The Zoning Official, Rick Mayernik, responded to the request of the
Board on the enforcement of the placement of signs along the roadways,
especially realtor signs on weekends. Sign regulations in the Zoning
Ordinance prohibit signs in the public right-of-way except for traffic
safety signs. The Washtenaw County Road Commission also prohibits
non-safety signs in the right-of-way. However, the Road Commission is
currently considering allowing a limited number of temporary signs to be
located within certain portions of the road right-of-way for a limited
period of time.

It has been common practice for developers (as well as homeowners) to
place small directional signs in the right-of-way to lead the public to a
particular development, yard sale, or home for sale by owner. Generally
these signs are posted on Friday evenings and removed on Sunday.
Mayernik and the Ordinance Officer, John Hudson, have been using
discretion related to this type of signage. They have not worked overtime
weekend hours but have removed signs as observed during the normal
work day. Mayernik would like the Board to give him direction on this:
should he aggressively enforce the ordinance in regard to temporary signs,
or continue to use discretion as in past practice?

It was moved by Williams, supported by Caviston, that the Superior
Charter Township Board direct the staff to propose amendments to the
zoning ordinance as it relates to signs which will permit limited temporary
signage such as proposed by the Washtenaw County Road Commission

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draft ordinance and, further, until such proposed amendments are adopted or rejected, that the Zoning Official continue enforcing the sign ordinance in the current manner.

The motion carried.

G. ADOPT 2007 BUDGETS – ALL FUNDS

It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board approve the following Resolution adopting the 2007 budgets:

**SUPERIOR CHARTER TOWNSHIP BOARD
RESOLUTION
NOVEMBER 6, 2006**

**A RESOLUTION ADOPTING GENERAL APPROPRIATIONS ACT:
MILLAGE RATES AND BUDGETS**

WHEREAS, the Superior Charter Township Board has carefully reviewed the Township's current and projected financial needs, and

WHEREAS, the Board recognizes its responsibility to the citizens of Superior Charter Township to carefully monitor the Township funds and provide for the needs of the Township, and

WHEREAS, the Board has carefully considered the projected revenues and expenditures for the coming year,

NOW THEREFORE BE IT RESOLVED that the Superior Charter Township Board adopt the proposed budgets for the Year 2007: the General Fund Budget by Activity dated November 6, 2006, the Fire Fund Budget dated November 6, 2006, the Fire Reserve Fund dated November 6, 2006, the Building Fund Budget dated November 6, 2006, the Law Fund Budget dated November 6, 2006, the Park Fund Budget dated November 6, 2006, the Streetlight Maintenance Fund Budget dated November 6, 2006, the Sidestreet Maintenance Fund Budget dated November 6, 2006, Growth Management Fund dated November 6, 2006, and the Utility Fund Budget dated October 13, 2006.

Roll call vote:

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

Nays: None

The motion carried.

**H. HURON RIVER WATERSHED COUNCIL 2006-2007- WORK
PLAN CONTRACT**

The Huron River Watershed Council submitted their 12006-2007 Work Plan for the Middle Huron Initiative and requested financial support in the amount of \$2,600.00. The funds are in the 2007 General Fund Budget.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board authorize the Supervisor to sign the service agreement with the Huron River Watershed Council for the 2006-2007 Work Plan in the amount of \$2,600.00.

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The motion carried unanimously.

I. STEFANI A. CARTER JD,PC, PROFESSIONAL SERVICES CONTRACT

Stephanie Carter has been handling the Township police prosecution cases for years. She is leaving the law firm of Hamilton, McDonald & Carter, but would like to continue as Township attorney for law enforcement.

Green asked if Hamilton, MacDonald had been contracted to inform them that they were no longer our representative for these matters. McFarlane said that we had retained Hamilton, MacDonald when they were Hamilton, MacDonald, & Simpson. Simpson was retained for the Township work but left the firm when elected as Judge of the 14A District Court. At that time Carter joined the firm, was interviewed by the Township to do the law enforcement work, and, subsequently retained by the Township.

It was moved by Lewis, supported by Caviston, that the Superior Charter Township Board authorize the Supervisor to sign the professional services contract with Stefani A. Carter to provide legal services in the areas of misdemeanor prosecutions and code violations as assigned by the Township for \$100.00 per hour for services provided by attorney and \$50.00 per hour of services provided by paralegal or legal assistant.

The motion carried unanimously.

A letter will be sent to Hamilton, MacDonald informing them of the action of the Board.

J. CHIEF GARVIN SMITH RESIGNATION EFFECTIVE MARCH 1, 2007

Fire Chief Garvin Smith tendered his resignation from the Fire Department effective March 1, 2007. In his letter he said that he has enjoyed, and continues to enjoy, virtually every minute of his service to the community, but that it was time to move on to the next phase of his life.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board, with deep regret, accepts the resignation of Fire Chief Garvin Smith effective March 1, 2007, and further that the Chief and Supervisor begin the task of seeking a part-time fire chief to replace him in time to train with Chief Smith.

The motion carried.

11. PAYMENT OF BILLS

It was moved by McKinney, supported by Caviton, that the bills be paid in the following amounts: General Fund - \$12,110.00, and Utility Fund - \$22,233.27 for a total of \$34,343.27.

The motion carried.

12. PLEAS AND PETITIONS

There were none.

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13. ADJOURNMENT

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

The motion carried and the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Kay Williams, Clerk

William McFarlane, Supervisor