

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
AUGUST 16, 2010
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 August 16, 2010, 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, Brenda McKinney, David Phillips, Nancy Caviston, Lisa Lewis and Alex Williams. Roderick Green was absent.

4. ADOPTION OF AGENDA

It was moved by McKinney, seconded by Caviston to adopt the agenda with the addition of a Notice of Review of Apportionment for Glennborough #1 Drainage District as item a. under Communications.

The motion carried by a voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF JULY 21, 2010

It was moved by Caviston, seconded by McKinney, to approve the minutes of the regular Board meeting of July 21, 2010, as presented.

The motion carried by a voice vote.

6. CITIZEN PARTICIPATION

A. RESOLUTION RECOGNING DON STAEBLER'S 100th BIRTHDAY

A resolution honoring Township resident Don Staebler's 100th birthday was read and presented to Mr. Staebler.

B. OTHER CITIZEN PARTICIPATION

No citizens addressed the Board.

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7. **REPORTS**

A. SUPERVISOR REPORT

Supervisor McFarlane reported on the following: Recently, one Township resident delivered an excessive amount of yard waste to the Ypsilanti Township Compost collection site. This resulted in a charge to the Township of over \$600.00. Because of this, Township Administrative staff modified the Township's policy. Effective August 10, 2010, Superior Township residents must pay the Compost site for dropping-off yard waste and/or other materials. Residents can then submit the invoice to the Township for reimbursement of up to \$50.00 per household per year. The Legacy Land Conservancy has agreed to monitor the conservation easement purchased by the Township on 40 acres located at Geddes and Prospect Roads. The Superior Land Preservation Society is going to make a generous donation of \$7,000 to Legacy to cover the costs of monitoring. The Road Commission has made the decision to secure the bond to install the asphalt wear course on the roads at the Prospect Pointe East subdivision. They will also be installing barricades on roads that have no homes, but have become areas for loitering, littering and other illegal behavior. The Road Commission has put out a Request for Proposal (RFP) for preliminary designs of installing a traffic signal, or roundabout, at the Cherry Hill and Plymouth Road intersection. A public information meeting will be required. At 7:00 p.m. on Tuesday, August 24, 2010, at the Township Hall, Carol Mull will be making a presentation about the Underground Railroad in Superior Township and the surrounding area. It is free and all are welcome.

B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FALSE ALARM REPORT, FIRE DEPARTMENT, FIRE MARSHAL, HOSPITAL FALSE ALARM, ORDINANCE OFFICER REPORT, SHERIFF'S REPORT, UTILITY DEPARTMENT AND ZONING REPORT

It was moved by Caviston, seconded by McKinney, that the Superior Township Board receive all reports.

The motion carried by a voice vote.

C. FINANCIAL REPORTS, UTILITY DEPARTMENT AS OF JUNE 30, 2010

Board members commented that all expenditures and revenues for all of the funds were in acceptable amounts as of June 30, 2010.

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It was moved by Caviston, seconded by Williams, to accept the Financial Reports for the Utilities Department, as of June 30, 2010.

The motion carried by unanimous voice vote.

8. COMMUNICATIONS

A. WATER RESOURCES COMMISSIONER, NOTICE OF REVIEW OF APPORTIONMENT OF THE GLENNBOROUGH #1 DRAIN DISTRICT

The Water Resources Commissioner's letter dated August 10, 2010 provided a Notice of Review of Apportionment for the Glennborough #1 Drain District. The special assessment amounts and the apportionment of costs for the drain will be available for review on Wednesday, August 25, 2010. Any owner of land within the district may appeal the apportionment within ten days after the Day of Review of Apportionment. Land owners within the district were mailed this notice.

It was moved by Caviston, seconded by Lewis, to accept the communication from the Water Resources Commissioner.

The motion carried by voice vote.

9. UNFINISHED BUSINESS

A. ORDINANCE NO. 174-04, ZONING ORDINANCE TEXT AMENDMENTS, SECOND READING

Through application of the Zoning Ordinance, Township staff, planning consultants and attorneys recommended that various text amendments should be made. The Board approved the first reading of the ordinance at their July 19, 2010 meeting. There have been no corrections or changes to the ordinance since the first reading.

It was moved by Lewis, seconded by McKinney, that the following Ordinance No. 174-04, Zoning Ordinance Text Amendments be approved for second reading and final adoption:

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**WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 174-04**

[An ordinance to amend the Superior Charter Township Zoning Ordinance No. 174 by authority

of the Public Act 110 of 2006 (being MCL 125.3101 et. seq., as amended), by amending:

1. Section 1.14C (Public Hearing Procedures) to create an exception from the requirement for a posting of a public hearing sign for any request to the Zoning Board of Appeals appealing the dimensional standards for a single-family dwelling;
2. Section 16.02A (Classification of Nonconformities) to correct typographical errors in two (2) section references;
3. Section 16.05 (Nonconforming Single-Family Detached Dwellings) to require nonconforming accessory structures to meet the same standard for expansion as nonconforming dwellings by adding references to "customary accessory structures" in subsection "2";
4. Section 16.08 (Nonconforming Structures) to correct a typographical error by changing a reference in the first paragraph from "use" to "structure";
5. Sections 5.304.2., 5.501C., 5.502.4., 5.601E., 5.603B.3., and 5.603.B.8. to clarify separation distance measurement requirements;
6. Section 14.04 (Design Review) to revise the geographic area and scope of authority for the Dixboro Design Review Board; and
7. Section 17.03 (Definitions) to add new definitions for "Bulk Feed and Farm Supply Stores" and "Farm Implements."]

SUPERIOR CHARTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

[DELETE and REPLACE the first paragraph of subsection "C" to add an exception from the

requirement for a posting of a public hearing sign for any request to the Zoning Board of Appeals appealing the dimensional standards for a single-family dwelling, as follows]

Section 1.14 Public Hearing Procedures.

C. Posting of Signage.

The applicant(s) or owner(s) of the property subject to the application submitted by an owner or person acting on behalf of a property owner of the Township shall post public notice signage for any proposed conditional use permit application per Article 11.0 (Conditional Uses) or any rezoning application per Article 18.0 (Amendments) in accordance with the following standards. Such signage shall also be required for any variance request per Article 13.0 (Zoning Board of Appeals), except an appeal of dimensional standards for a single-family detached dwelling:

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**ARTICLE 5
USE STANDARDS**

[DELETE and REPLACE the text of subsection "2" to clarify separation distance measurement requirements, as follows]

Section 5.304 Day Care and Large Group Home Facilities.

The following regulations shall apply to group day care homes, day care centers, and adult foster care large group homes, except licensed group day-care homes that lawfully operated before March 30, 1989:

1. In accordance with applicable state laws, such facilities shall be registered with or licensed by the State of Michigan.
2. Group day care homes shall be located a minimum of 1,500 feet from the lot boundaries for any of the following facilities, as measured along public or private road rights-of-way between the nearest boundaries of the group day care home lot and the facility lot. The subsequent establishment of any of the facilities listed in this subsection shall not affect any approved Conditional Use Permit for a group day-care home:
 - a. Another licensed group day-care home.
 - b. A adult foster care small group home or large group home.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people as licensed under the State public health code.
 - d. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

[DELETE and REPLACE the text of subsection "C" to clarify separation distance measurement requirements, as follows]

Section 5.501 Intensive Industrial Operations.

Intensive industrial operations shall be subject to the following:

C. Development Standards.

Intensive industrial operations shall not be located within 500 feet of the boundary of any Rural Residential or Urban Residential Districts, or Planned Community (PC) special district incorporating RESIDENTIAL USES.

1. This separation distance shall be measured by a straight line along the shortest distance between the zoning district or lot boundary and the boundary of the subject lot for the intensive industrial operation.

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2. In accordance with Section 7.003 (Regulatory Flexibility) the Planning Commission may recommend and the Township may authorize measurement of this separation distance to the near edge of the operation's development area within a larger parcel. The planned uses and/or method of open space preservation for land within the required separation distance shall be shown on the Planned

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Manufacturing (PM) district Area Plan for the project.

3. Such uses shall be screened from all road rights-of-way and abutting uses in accordance with Section 14.10D (Methods of Screening).

[DELETE and REPLACE the text of subsection "4" to clarify separation distance measurement requirements, as follows]

Section 5.502 Material Recovery Facilities and Outdoor Storage, Dismantling or Recycling of Motor or Recreational Vehicles, Boats, Machinery, Manufactured Houses or Similar Items.

Material recovery facilities, junkyards, salvage yards, and similar outdoor vehicle storage,

dismantling or recycling facilities shall conform to all applicable federal, state, county, and local

laws and regulations and to the following requirements:

4. The facility, when established and located within 500 feet of the boundary of any Rural Residential or Urban Residential Districts, Planned Community (PC) special district incorporating RESIDENTIAL USES, or boundary of a lot occupied by existing RESIDENTIAL USES, as measured by a straight line along the shortest distance between the zoning district or lot boundary and the boundary of the subject lot for the facility, shall not be open for business and shall not be operated at any time other than between the hours of 8:00 a.m. and 6:00 p.m. on weekdays, and between 8:00 a.m. and 12:00 noon on Saturday and Sunday.

[DELETE and REPLACE the text of subsection "E.1." to clarify separation distance measurement

requirements, as follows]

Section 5.601 Composting Centers.

Composting centers and support facilities shall be subject to the following:

E. Screening and Separation Standards.

To ensure proper buffering of the composting facility from nearby land uses that may be adversely affected by the facility, the following requirements shall apply:

1. No composting facility shall be constructed or expanded within 500 feet of the boundary of any Rural Residential or Urban Residential Districts, or Planned Community (PC) special district incorporating RESIDENTIAL USES, as measured by a straight line along the shortest distance between the zoning district boundary and the boundary of the subject lot for the facility.

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2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 14.10D (Methods of Screening).

[DELETE and REPLACE the text of subsections "B.3." and "B.8." to clarify separation distance

measurement requirements, as follows]

Section 5.603 Extractive and Earth Removal Operations.

B. General Requirements.

In addition to other requirements set forth in this Ordinance, the removal of soil,

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including top soil, sand, gravel, stone, and other earth materials shall conform to all applicable federal, state, county, and local laws and regulations, and to the following requirements:

3. No digging, stockpiling, excavating, or equipment storage and/or repairs shall take place closer than 100 feet from any lot line, and 300 feet from the boundary of any Rural Residential or Urban Residential Districts, and any Planned Community (PC) Special District incorporating RESIDENTIAL USES. Stockpiles of stripped topsoil shall be seeded with grass or similar plant materials approved by the Planning Commission to prevent erosion onto other properties.

8. All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from the boundary of any Rural Residential or Urban Residential Districts, and any Planned Community (PC) Special District incorporating RESIDENTIAL USES. If the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to a residential classification or to a PC Special District incorporating RESIDENTIAL USES subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue but may not expand in intensity of use and in no case shall be less than 100 feet from any lot line adjacent to such zoning district.

ARTICLE 14

SPECIAL DEVELOPMENT REGULATIONS

[DELETE and REPLACE the text of subsection "A" to revise the geographic area and scope of

authority for the Dixboro Design Review Board, as follows]

Section 14.04 Design Review.

A. Scope.

The scope of design review under this Section for development and building projects in the Dixboro community, as defined in the adopted Growth Management Plan, shall be in accordance with the following:

1. Such reviews shall be limited to sites which are located in a VC (Village Center) or NSC (Neighborhood Shopping Center) zoning district within the Dixboro community, or that abut any of the following road rights-of-way:

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a. Plymouth Road between Old Ford Road/Tanglewood Drive and Dixboro Road;

b. Church Street;

c. Short Street;

d. Cherry Hill Road south from Plymouth Road to Fleming Creek; and

e. Dixboro Road south from Church Street to the Ann Arbor Charter Township boundary.

2. The Dixboro Design Review Board shall have responsibility for reviewing and making advisory recommendations to the Planning Commission on minor or preliminary site plan, preliminary condominium site plan, conditional use permit, and special district area plan applications, prior to Planning Commission action,

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consistent with this Section and the adopted Design Guidelines for the Historic Village of Dixboro.

3. The Dixboro Design Review Board shall also have responsibility for reviewing and making advisory recommendations to the Zoning Inspector on applications for approval of new single-family dwellings, consistent with this Section and the adopted Design Guidelines for the Historic Village of Dixboro.

4. The Zoning Inspector shall have responsibility for reviewing applications for administrative site plan approval per Section 10.02C (Administrative Approval) and certificates of zoning compliance per Section 1.07 (Certificates of Zoning Compliance). The Zoning Inspector shall make available relevant section(s) of the adopted Design Guidelines for the Historic Village of Dixboro to the applicant, and shall make recommendations on the application to encourage consistency with these guidelines.

5. Any person may meet with the Dixboro Design Review Board during a regularly scheduled meeting without charge to seek input from the Board regarding a proposed development or building project in the Dixboro community. The fee for a special Board meeting shall be as provided for in the Township's adopted fee schedule.

ARTICLE 16

NONCONFORMITIES

[DELETE and REPLACE the text of subsections "A.3" and "A.4." to correct section references, as follows]

Section 16.02 Scope.

A. Classification of Nonconformities.

Nonconformities shall be classified in one of the following categories:

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1. Nonconforming single-family detached dwellings (Section 16.05);
2. Nonconforming lots of record; (Section 16.06);
3. Nonconforming uses; (Section 16.07);
4. Nonconforming structures; (Section 16.08);

[DELETE and REPLACE the text of subsection "2" to require nonconforming accessory structures

to meet the same standard for expansion as nonconforming dwellings, as follows]

Section 16.05 Nonconforming Single-Family Detached Dwellings.

Nonconforming single-family detached dwellings and customary accessory structures shall be

exempt from the provisions of this Article that would otherwise apply to existing, lawfully established single-family detached residential uses located in non-residential zoning districts; or

to existing, lawfully established single-family detached dwellings or customary accessory structures that do not conform to the applicable dimensional standards of this Ordinance. Such

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dwellings and accessory structures may be used, repaired, expanded, altered, or replaced if

destroyed, subject to the following:

1. **Dwelling as a nonconforming use.** An existing, lawfully established singlefamily dwelling and customary accessory structures located in a non-residential zoning district may be repaired, altered, or replaced if destroyed, provided that:

a. Such work shall conform to all applicable standards of this Ordinance as if the property and use were located in the single-family residential zoning district (R-1, R-2, R-3, or R-4) most similar in terms of the minimum lot width and area requirements to the size of the subject lot.

b. The use, dwelling, and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, regulations and rules.

2. **Dwelling as a nonconforming structure.** Where an existing, lawfully established single-family dwelling or customary accessory structure is nonconforming structure with respect to the dimensional requirements of this Ordinance, the following standards shall apply:

a. Structural changes and alterations to a nonconforming single-family dwelling or customary accessory structure that decrease or do not affect the degree of nonconformity shall be permitted. Such structures may be expanded, provided that:

(1) The addition shall conform to the dimensional standards and other requirements of the zoning district in which it is located.

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(2) The expanded structure shall not exceed the ground floor coverage and floor area ratio limits of the district in which it are located.

b. All repairs and maintenance shall conform to the State Construction Code and all other applicable code requirements. A damaged structure shall be adequately secured, and shall be protected against further damage from the elements.

c. A nonconforming single-family dwelling and customary accessory structures may be reconstructed or replaced if destroyed, provided that:

(1) Any replacement structure shall conform to the dimensional standards of the zoning district where it is located, except where, in the determination of the Zoning Inspector, existing site conditions would prevent reasonable conformance. In such cases, the dwelling or customary accessory structure may be reconstructed on the existing location.

(2) Application for a building permit for reconstruction or replacement of a destroyed structure shall be made within 365 calendar days of the date of such damage, and all work shall be completed within the building permit approval period. Where pending insurance claims require an extension of time, the Zoning

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Inspector may grant one (1) extension of up to 365 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.

(3) A nonconforming structure that is moved within a lot or to another lot shall thereafter conform to the regulations of the district in which it is located.

d. If a nonconforming dwelling or customary accessory structure becomes physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.

[DELETE and REPLACE the first paragraph to correct a typographical error, as follows]

Section 16.08 Nonconforming Structures.

Single-family detached dwellings that are a nonconforming structure in the zoning district shall

be subject to the standards of Section 16.05 (Nonconforming Single-Family Detached Dwellings). All other nonconforming structures shall be allowed to continue after the effective

date of this Ordinance or amendments thereto, subject to the following conditions:

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ARTICLE 17

DEFINITIONS

[INSERT two new definitions into this Section, as follows]

Section 17.03 Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

Bulk Feed and Farm Supply Stores. An agricultural commercial business offering for sale

and/or rental farm supplies, tools, and equipment; and sales of animal and livestock feed,

equestrian supplies and equipment, pet food, lawn care and gardening supplies, mulch, fertilizer, seeds, and other items used directly and principally for agricultural purposes, but not

including sale or rental of farm implements, machinery or vehicles. (See "**Farm Implements**")

Farm Implements. Machinery, vehicles, and attachments used directly and principally for the

purpose of producing agricultural products, including those used for the preparation, seeding,

irrigation or cultivation of soil for growing or harvesting of agricultural products.

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This Ordinance shall be published by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superior-twp.org – pursuant to Section 8 of the Charter Township Act, being MCL 42.8, 3(b) within thirty (30) days following the final adoption thereof. This Ordinance shall become effective on the eighth day following said publication or such later date as is provided by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

I, David Phillips, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that this is a true copy of an Ordinance adopted by the Superior Charter Township Board for first reading at a regular meeting held on July 19, 2010 and for second reading and final adoption on August 16, 2010. The adopted Zoning Ordinance text shall become effective seven (7) days after publication of the Notice of Final Adoption, unless referendum procedures are initiated under the Michigan Zoning Enabling Act, PA 110 of 2006 as amended, MCL 125.3402. If Referendum procedures are initiated, the Ordinance shall take effect in accordance with MCL 125.3402.

David Phillips, Clerk

William McFarlane, Supervisor

Roll call vote:

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

Nays: None

Absent: Green

The ordinance was adopted.

10. **NEW BUSINESS**

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A. WATER AND SEWER RATE INCREASE FOR YCUA SERVICE AREA RESIDENTS

Rick Church, Utility Director, presented a memo dated August 6, 2010, and was present. He indicated Ypsilanti Community Utilities Authority (YCUA) increased the price of water it provides to Superior Township Utility Department (STUD) by 12%. This increase is only for water and does not apply to sewer rates. Mr. Church recommended that the Superior Township Utility Department increase the cost of water to its customers in the YCUA service area by 9%. He provided a resolution and amended Schedule A which reflects these changes for the Board's action.

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WASHTENAW COUNTY, MICHIGAN
August 16, 2010**

**Resolution Amending the 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 16th of August, 2010, at 7:30 p.m. Eastern Standard Time, the following resolution was offered by McKinney and supported by Caviston.

WHEREAS, this Board is authorized by statute and by the provisions of Township Ordinance No. 169 to determine by resolution rates, fees and charges for services and benefits by Township's sewer and water systems, and

WHEREAS, Ypsilanti Community Utilities Authority has increased the charge for water by 12%, 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 attached Schedule A; and

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BE IT FURTHER RESOLVED that this Resolution and attached schedule shall be published pursuant to Section 8 of the Charter Township Act being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti 48198 and on the Township website – www.superior-twp.org – with notice of such in *The Ypsilanti Courier*, a newspaper of general circulation in the Township qualified under state law to publish legal notices, said rate changes shall be effective immediately upon publication thereof.

CERTIFICATION

I, David Phillips, 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 August 16, 2010.

David Phillips, Township Clerk

Date Certified

SCHEDULE A

**SUPERIOR CHARTER TOWNSHIP
UTILITY DEPARTMENT FEES
575 EAST CLARK ROAD
YPSILANTI, MI 48198
734-480-5500**

RESOLUTION ADOPTED FEBRUARY 27, 1996 AND AS AMENDED THROUGH AUGUST 16, 2010, SCHEDULE OF RATES, FEES AND CHARGES RELATED TO SEWER AND WATER SERVICES PROVIDED BY THE TOWNSHIP'S UTILITY DEPARTMENT.

1. Service Rates:

- A. Water and sewer (including wastewater treatment) rates for Township customers served from the YCUA system.

Effective [August 1, 2010](#)
Water \$3.886 per 100 cubic
feet

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Minimum quarterly billing feet)	\$38.86 (1000 cubic
<u>Effective November 1, 2008</u> Sewer	\$2.657 per 100 cubic
feet Minimum quarterly billing feet)	\$26.57 (1000 cubic

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

Roll call vote:

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

Nays: None

Absent: Green

The motion carried.

B. YCUA 2000 SANITARY SEWER SYSTEM NO. 2 BOND PROPOSAL

The Utility Department contacted the Township's financial advisor for bonds, Stauder, Barch & Associates, in regards to refunding/refinancing the YCUA 2000 Sanitary Sewer System No. 2 Bond. The Township shares this bond with Ypsilanti Township, with the Township holding about 72% and Ypsilanti Township holding the remaining 28% of the bond. The principal owed is about \$4,310,000. Stauder, Barch & Associates indicated they felt it was likely that a new bond could be secured with an interest rate of about 3%, which would result in savings of about \$460,000. At their regularly scheduled meeting of July 19, 2010, the Board approved a Resolution Approving Refunding Contract, which authorized the Supervisor and Clerk to sign the Refunding Contract and to take all actions necessary to carry out the provisions of the Refunding Contract. Following this action, Township Administrative staff, and Utility Department staff, explored paying an additional \$1,000,000.00 towards the principal which would save an additional

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approximately \$180,000. Rick Church, Utility Department Director, indicated in his August 12, 2010 Memo, and in person, that he recommended the Utility Department pay down the principal on the bond by \$1,000,000.00. These funds would be paid from the Cash Capital Reserve account of the Utility Department's Financial Account. Mr. Church indicated this would result in an additional savings of an estimated \$180,000.

It was moved by McKinney, seconded by Williams, to approve the Utility Department paying \$1,000,000.00 towards the principle on the refunding contract for the YCUA 2000 Sanitary Sewer System No. 2 Bond.

The motion carried by unanimous voice vote.

C. PARKS DEPARTMENT, PURCHASE OF TRUCK

In a memo dated August 16, 2010, Keith Lockie, Parks Director, requested approval for the Parks Commission to purchase a 2011 Ford F250 pickup truck from Gene Butman Ford in Ypsilanti at a cost of \$24,572.10. This truck is needed to replace the 1995 Ford pickup, which is experiencing significant maintenance issues. Bids were solicited from GM, Chrysler and Ford. The price from Ford was significantly less because the Township was allowed make the purchase under Ford Motor Co.'s Ford Fleet Program. The funds will be paid out of the Parks General Reserve.

It was moved by Caviston, seconded by Lewis, to approve the Parks Department to purchase a 2011 Ford F250 pickup truck from Gene Butman Ford at a cost not to exceed \$24,572, and for the funds to be paid out of the Parks General Reserve.

The motion carried by unanimous voice vote.

D. FIRE DEPARTMENT, PURCHASE OF MINITOR PAGERS

James Roberts, Fire Chief, in his memo dated July 29, 2010, requested approval to purchase eight Swissphone Minitor pagers. The fire fighters wear these pagers to be toned out or alerted of any and all callbacks requested. They are utilized with the County's 800 MHZ radio system. The cost of the pagers is \$3,696.

It was moved by McKinney, seconded by Lewis, to approve the Fire Department purchasing eight Swissphone Minitor pagers at a cost not to exceed \$3,696.00.

The motion carried by unanimous voice vote.

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E. ORDINANCE NO. 179, AN ORDINANCE TO CONTROL THE HEIGHT OF TURF GRASS, FIRST READING, WHICH REPEALS AND REPLACES ORDINANCE NO. 24, AN ORDINANCE TO CONTROL THE HEIGHT OF VEGETATION

Supervisor McFarlane explained that the Township currently enforces the height of grass, weeds and brush through Ordinance No. 24, An Ordinance to Control the Height of Vegetation. The Township Ordinance Officer and Township staff have found Ordinance No. 24 difficult to interpret and enforce. Township staff completed the review and rewrite of Ordinance No. 24. It is felt that proposed Ordinance No. 179 is better written and will be easier for all involved parties to understand. It should also improve the compliance and enforcement.

It was moved by McKinney, seconded by Williams, to approve the first reading of Ordinance No. 179, An Ordinance to Control the Height of Turf Grass, First Reading, Which Repeals and Replaces Ordinance No. 24, An Ordinance to Control the Height of Vegetation

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 179**

**AN ORDINANCE TO CONTROL THE HEIGHT OF TURF GRASS, WEEDS
AND BRUSH WHICH REPEALS AND REPLACES ORDINANCE NO. 24 AN
ORDINANCE TO CONTROL THE HEIGHT OF VEGETATION**

THE CHARTER TOWNSHIP OF SUPERIOR ORDAINS:

Section 179.01 Purpose

- A. In order to preserve the public health, safety and welfare of the residents of Superior Township, the Superior Township Board determines that the existence of turf grass, weeds and brush more than ten (10) inches in height constitutes a nuisance in areas where there are residences because it is unsightly and its unkempt condition may attract litter and vermin.
- B. Nothing in this Ordinance shall apply to:
1. Agricultural crops
 2. Trees
 3. Shrubs
 4. Flowers and ornamental plants under cultivation

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5. Wildflowers, but only until such time as seeds have matured following the final blooming of the majority of the plants.
 6. Vegetation in woodlands or wetlands.
- C. This Ordinance will be in force during the annual growing season defined as between May 1 and October 1 annually.

Section 179.02 Limitations on Height of Turf Grass, Weeds and Brush

- A. It shall be the duty of the owner, agent or occupant of any property used for a residence, to mow all turf grass, weeds, and brush on the property as often as may be necessary to comply with the provisions of this Ordinance according to the following standards:
1. All lots and parcels one (1) acre or less in size and developed with a residence, shall have all turf grass, weeds and brush in all yards, maintained at a height of less than ten (10) inches.
 2. All lots and parcels greater than one (1) acre in size and developed with a residence, shall maintain a minimum mowed yard area thirty (30) feet wide along all sides of the residence. This mowed yard area shall be maintained at a height of less than ten (10) inches. A mowed yard area of ten (10) feet wide shall also be maintained around all accessory buildings on the property.
 3. Any undeveloped lot or parcel of any size that is part of a residential development with an approved site plan where at least 60% of the residential structures are built shall have all turf grass, weeds and brush over the entire lot maintained at a height of less than ten (10) inches.
 4. Any undeveloped lot or parcel of any size that is part of a residential development with an approved site plan where less than 60% of the residential structures are built shall maintain a minimum mowed yard area of 25 feet from all streets.

Section 179.03 Enforcement

- A. Notice of Violation. If a property owner violates or refuses to comply with Section 179.02 the Township Ordinance Officer shall send a notice by first class mail to the owner of record of said property advising them of the requirements of this Ordinance and providing ten (10) days to comply with its provisions. One notice per parcel shall be deemed adequate notice for any subsequent violations during the same growing season.

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- B. Noncompliance. All properties not in compliance with this Ordinance after the ten (10) day period provided in Section 179.03(A) above, shall be mowed by the Township and charges billed to the owner of record. Any additional work required to mow the property such as litter removal, will also be charged as provided. An administration fee will also be charged.
- C. Appeal of costs imposed. Within 15 days of the date the statement of costs is mailed to the owner of record, the owner may appeal the reasonableness of the charges by filing a written statement with the Township Board stating why the charges are unreasonable. If the Township Board finds the charges unreasonable, it shall assess the costs as it deems reasonable. The administrative fee shall not be appealable.
- D. Property Lien. All charges which remain unpaid as of November 1, of the current year shall become a lien against the subject property and may be added to the tax rolls for the property.
- E. Penalty for Violation. Any person, corporation, or other legal entity, including an officer, director, or employee, who violates any provision of this Ordinance, or who shall fail to do what is required by the terms of the Ordinance, may be responsible for a municipal civil infraction and may pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL §600.8701 et. seq., as amended.

Section 179.04 Effective Date This Ordinance shall be published pursuant to Section 8 of the Charter Township Act, being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superior-twp.org – with notice of such in *The Ypsilanti Courier*, a newspaper of general circulation in the Township, qualified under state law to publish legal notices, and the same shall be recorded in the Ordinance Book of the Township, and such recording authenticated by the signatures of the Supervisor and Clerk. Per MCL 42.22, said Ordinance shall be effective immediately upon publication thereof.

Roll call vote:

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

Nays: None

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Absent: Green

The Ordinance was approved for first reading.

F. ORDINANCE NO. 180, AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF SUPERIOR CHARTER TOWNSHIP, WASHTENAW COUNTY, AND TO DISIGNATE FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED, FIRST READING

In order for residents to purchase flood insurance, the Township is required to adopt a Resolution of Intent, a Resolution to Manage Floodplain Development and the Ordinance to Designate an Enforcing Agency. At their regularly scheduled meeting of July 19, 2010, the Board adopted a Resolution of Intent for Participating in the National Flood Insurance Program. In order to facilitate the Township's participation in the National Flood Insurance program, the following Ordinance was considered for first reading.

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY MICHIGAN**

ORDINANCE NO. 180

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF SUPERIOR CHARTER TOWNSHIP, WASHTENAW COUNTY, AND TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED

THE CHARTER TOWNSHIP OF SUPERIOR ORDAINS:

SECTION 1. Agency Designated. Pursuant to the provisions of the Michigan Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of Superior Charter Township is hereby designated as the enforcing agency to discharge the responsibility of Superior Charter Township under Act 230, of the Public Acts of 1972, as amended, State of Michigan. Superior Charter Township assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the Township.

SECTION 2. Code Appendix Enforced. Pursuant to the provisions of the Michigan Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of

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1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within Superior Charter Township.

SECTION 3. Designation of Regulated Flood Prone Hazard Areas. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Washtenaw County, Michigan and dated July 27, 2007 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers of 26161C; 0260E, 0266E, 0267E, 0268E, 0269E, 0280E, 0281E, and 0288E, and dated July 27, 2007 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

SECTION 4. Repeals. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 5. Publication. This Ordinance shall be published pursuant to Section 8 of the Charter Township Act, being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superior-twp.org – with notice of such in *The Ypsilanti Courier*, a newspaper of general circulation in the Township, qualified under state law to publish legal notices, and the same shall be recorded in the Ordinance Book of the Township, and such recording authenticated by the signatures of the Supervisor and Clerk. Per MCL 42.22, said Ordinance shall be effective immediately upon publication thereof.

It was moved by Caviston, seconded by Lewis, to approve the Ordinance for first reading.

Roll call vote:

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

Nays: None

Absent: Green

The Ordinance was adopted for first reading.

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G. A RESOLUTION TO IMPOSE A TEMPORARY MORATORIUM UPON THE ISSUANCE OF PERMITS, LICENSES AND APPROVALS FOR THE PRODUCTION OF MEDICAL MARIJUANA

In November 2008 voters passed the Medical Marihuana Act, which provided for the medical use of marijuana. The Act established a system where qualified patients were allowed to possess up to twelve plants and 2.5 ounces of usable marijuana for their personal use. Under the Act, a “primary caregiver” is allowed to possess not more than 2.5 ounces of usable marijuana and 12 plants for each of their qualifying patients, up to a maximum of five patients. Township staff and consultants determined that the Act left many unanswered issues relating to regulating the possession, use, growing, sale and dispensation of medical marijuana. Township Administrative staff recommends that a moratorium be placed on the Township issuing any permits, licenses or other approvals for the production for compensation, sale or dispensation of medical marijuana.

The following resolution was moved by McKinney, seconded by Caviston for first reading:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
AUGUST 16, 2010**

A RESOLUTION TO IMPOSE A TEMPORARY MORATORIUM UPON THE ISSUANCE OF PERMITS, LICENSES AND APPROVALS FOR THE PRODUCTION FOR COMPENSATION, SALE OR DISPENSATION OF MEDICAL MARIHUANA

WHEREAS, the production for compensation, sale or dispensation of medical marihuana was not envisioned when the current ordinances and amendments were adopted; and other than the general regulations relating to commercial and production activities, the growth and sale of medical marihuana is not regulated; and,

WHEREAS, Superior Charter Township desires to ascertain the best and safest path to compliance with the Michigan Medical Marihuana Act, PA 2008, MCLA 333.26421 *et seq.* in order to protect the public health, safety, and welfare.

NOW THEREFORE, BE IT RESOLVED that a moratorium is imposed upon the issuance of any and all permits, licenses and approvals for the production for compensation, sale or dispensation of medical marihuana for twelve (12) months or until an amendment of all applicable codes, whichever occurs first.

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BE IT FURTHER RESOLVED that this moratorium does not restrict or otherwise ban the lawful use of medical marihuana, as provided in the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26421 *e. seq.*

Roll call vote:

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

Nays: None

Absent: Green

The Resolution was adopted for first reading.

H. ANN ARBOR/YPSILANTI REGIONAL CHAMBER DUES

The Ann Arbor/Ypsilanti Regional Chamber submitted an invoice for dues for 2010/2011 in the amount of \$310.00. Board members felt the Chamber benefits the creation and retention of business and jobs.

It was moved by Caviston, seconded by Williams, to approve paying the dues for the Ann Arbor/Ypsilanti Regional Chamber in the amount of \$310.00.

The motion carried by a voice vote.

I. RESOLUTION OF SUPPORT FOR MICHIGAN'S HIGH SPEED RAIL APPLICATION

Supervisor McFarlane is the Board representative to the Washtenaw Area Transportation Study (WATS). WATS requested the Board adopt a resolution in support of Michigan's High Speed Rail Application.

Resolution of Support for Michigan's High Speed Rail Application

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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 August 16, 2010, at 7:30 p.m. Eastern Standard Time, the following resolution was offered by Phillips, and seconded by McKinney.

- Whereas, The United States of America made a financial commitment to expanding the nation's high-speed and intercity passenger rail (HSIPR) network, appropriating \$4 billion last year for both state corridor development efforts and Amtrak state of good repair investments in the FY 2010 Consolidated Appropriations Act;
- Whereas, The President and Vice-President announced in January 2010 an additional \$8 billion in American Recovery and Reinvestment Act (ARRA) awards for 13 corridors in 31 states including the Pontiac- Ann Arbor - Chicago corridor linking Michigan, Indiana and Illinois;
- Whereas, The Federal Railroad Administration received applications requesting seven times the available funds for the HSIPR ARRA grants;
- Whereas, Building on the one million good-paying, middle-class American jobs already supported by the rail industry, developing this pipeline of national high-speed and intercity passenger rail projects will revitalize the domestic manufacturing industry and create additional American jobs;
- Whereas, Ridership on Amtrak grew every year from 2000 through 2008, carrying more than 1.3 million riders in 2009 during the economic recession and is on track in 2010 for its best ridership year ever, demonstrating the increased demand for intercity passenger rail services;
- Whereas, The City of Ann Arbor station remains the busiest in Michigan, with nearly 130,000 passengers during 2009;
- Whereas, In highly populated and congested regions, including along the Pontiac to Chicago line, Amtrak trains and infrastructure carry intercity passengers and commuters to and from work;
- Whereas, Passenger rail provides a more fuel-efficient transportation system and less congested option resulting in energy security and cleaner transportation alternatives;

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Whereas, Passenger railroads emit only 0.2 percent of the travel industry's total greenhouse gases and one freight train can move a ton of freight 457 miles on one gallon of fuel;

Whereas, Ann Arbor's planned intermodal Fuller Road Station is anticipated to become a gateway to the community and a tool for economic growth supporting transportation-oriented development and livable communities; and

Whereas, Superior Charter Township continues to support Michigan's Department of Transportation work on the Ann Arbor to Detroit and Ann Arbor to Howell, Wally, commuter rail programs as well as the development of the Michigan High-speed and Intercity Rail Program.

RESOLVED, Superior Charter Township embraces the State and Nation's vision for High Speed Intercity Passenger Rail and continues to support the evolution of the existing limited intercity passenger service into a multi-faceted commuter, intercity and high-speed rail system;

RESOLVED, Superior Charter Township endorses and fully supports the State of Michigan's application for funding of High-Speed and Intercity Passenger Rail improvements identified in the FY2010 USDOT Appropriations Act;

RESOLVED, Superior Charter Township requests the Michigan State Legislature provide financial, legislative and policy leadership through legislative changes and expand access to passenger, high speed, and commuter rail options; and

RESOLVED, Superior Charter Township endorses and agrees to participate with the State of Michigan to coordinate the community effort; provide input and support for state budget discussions on continuing Amtrak funding, support the state budget development process and legislative initiatives to provide state-level funding for rail infrastructure projects, transit-oriented development, as well as commuter and light rail projects.

CERTIFICATION

I, David Phillips, 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 August 16, 2010.

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The Resolution was adopted by unanimous voice vote.

The Resolution was adopted by unanimous voice vote.

J. PURCHASE OF NEW COMPUTER SERVER FOR THE TOWNSHIP HALL

Recently, the server for the Township Hall experienced a serious problem. The Township's Information Technology consultants determined it would be more cost effective to replace the server, than to repair it. Susan Mumm, Technology Administrator presented a memo dated August 16, 2010, which explained the situation. She obtained three bids for replacing the server and providing the labor for installation. She recommended the Board approve the bid from Parhelion as their bid for equipment and labor was the lowest.

It was moved by McKinney, seconded by Caviston, to approve the purchase of a new server and labor for installation from Parhelion in the amount of \$8,620.00 for equipment and \$3,800.00 for labor, as outlined in Susan Mumm's memo dated August 16, 2010.

The motion carried by unanimous voice vote.

K. MIDDLE HURON INITIATIVE INVOICE

The Huron River Watershed Council submitted an invoice in the amount of \$1,400.00 for Superior Township's portion of the Middle Huron Initiative. The Initiative provides for monitoring of the water quality and other activities to reduce the phosphorus loading and pollution of the Middle Huron and its tributaries.

It was moved by Caviston, seconded by Lewis, to approve the Middle Huron Cooperative Agreement for Reduction of Phosphorus Loading to the Middle Rouge Watershed for July 14- December 31, 2010 at a cost of \$1,400.00.

The motion carried by unanimous voice vote.

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L. TREASURER’S REQUEST FOR SIGNATURE AUTHORIZATION

Treasurer Brenda McKinney requested the Board adopt Comerica Bank’s Resolution authorizing the opening of two new bank accounts for Superior Township’s Utilities System Repair and O & M funds and the approved signers, Treasurer, Deputy Treasurer, Supervisor and Clerk.

It was moved by Lewis, seconded by McKinney, for the Superior Township Board to adopt Comerica Bank’s Resolution authorizing the opening of two new bank accounts for Superior Township’s Utilities System Repair and O & M funds and the approved signers, Treasurer, Deputy Treasurer, Supervisor and Clerk.

The motion carried by unanimous voice vote.

M. BUDGET AMENDMENTS

A motion to approve the following budget amendments was moved by McKinney, seconded by Lewis:

PARK FUND BUDGET AMENDMENT				
8/16/2010				
BUDGET LINE #	DESCRIPTION	DEBIT	CREDIT	COMMENTS
508-755-980-000	EQUIPMENT PARK MAIT DEPT	\$ 24,573.00	INCREASE	PURCHASE NEW FORD 250 TRUCK
508-000-699-025	APPROPRIATIONS FROM RESEVES		\$ 24,573.00	THERE IS ENOUGH TO COVER THIS IN THE GENERAL RESERVE.
	TOTAL OF	\$	\$	

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	DEBITS/CREDITS	24,573.00	24,573.00	

Roll call vote:

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

Nays: None

Absent: Green

The motion carried.

11. PAYMENT OF BILLS

It was moved by Caviston, seconded by Lewis, that the bills be paid as submitted in the following amounts: General - \$1,095.00, Law- \$16,600.16 for a total of \$17,695.16. Further, that the Record of Disbursements be received.

The motion carried by a unanimous voice vote.

12. PLEAS AND PETITIONS

There were none.

13. ADJOURNMENT

It was moved by McKinney, supported by Caviston, that the meeting adjourn. The motion carried by a voice vote and the meeting adjourned at 8:40 p.m.

Respectfully submitted,

David Phillips, Clerk

William McFarlane, Supervisor