

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
APRIL 6, 2009
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 April 6, 2009, 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 Caviston, seconded by Lewis to adopt the agenda with the addition of Building Report under Reports, section b.

The motion carried by a voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF MARCH 16, 2009

It was moved by Caviston, seconded by McKinney, to approve the minutes of the regular Board meeting of March 16, 2009, as presented.

The motion carried by a voice vote.

It was moved by Caviston, seconded by McKinney, to approve the minutes of the Special Board meeting of March 31, 2009, as presented.

The motion carried by a voice vote.

6. CITIZEN PARTICIPATION

A. NON-AGENDA ITEMS

There was no citizen participation on non-agenda items.

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7. REPORTS

A. SUPERVISOR

The Supervisor reported on the following:

The Township recently contracted with a Township resident to pickup illegally dumped trash along the roadsides in the Township. He has already picked up trash along Cherry Hill and Warren Roads. He reported that the Township lost \$4.5 million in taxable value in 2008. Another Township in Washtenaw County lost \$70 million. The other Township only has one part-time assessor. Superior Township has two full-time and one part-time assessor. Superior Township also did well in the County Sales Study. Supervisor McFarlane said he feels that having a well-staffed and competent assessing department is a good investment and pays for itself.

B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, ORDINANCE REPORT AND ZONING REPORT

It was moved by Lewis, seconded by Caviston, that the Building Department, Ordinance Report and Zoning Report be received.

The motion carried by a voice vote.

8. COMMUNICATIONS

A. There were no communications to receive.

9. UNFINISHED BUSINESS

A. There was no unfinished business.

10. NEW BUSINESS

A. SPTC #09-03 AMENDMENTS TO THE ZONING ORDINANCE

At their regular meeting held on March 26, 2009, the Superior Township Planning Committee recommended changes to Section 1.14 Public Hearing Procedures, to revise the sign posting requirement from at least 21 calendar days to 15 calendar days. Section 4.02 Table of Permitted Uses; add "cemeteries" as a permitted principal use in the PSP (Public/Semi-Public Services) district. Prohibit "Drive-On or Drive-Through facilities for Financial Institutions and government offices" in the NSC (Neighborhood Shopping

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Center Special District). Section 5.207 Single –Family Dwellings, Detached, restore the requirement for a minimum residential floor area of 1,200 square feet. Section 2.120 Open Space Preservation Overlay District and 7.306 Open Space Preservation Special District, update the OSP districts on the zoning map and clarify the amendment procedures. The Planning Commission did not recommend approval of Section 7.306,C, 2, which requires that the average residential density in the OSP district be limited to one dwelling unit per 20.0 acres per quarter section. Mr. James Weiner, President of the Southeast Michigan Land Conservancy (SMLC) addressed the Board on the proposed amendment Section 7.306,C,2, to decrease the allowable density regulations in the Open Space Preservation (OSP) Special District. He advised the Board that the SMLC was not planning on selling the development rights on the 80 acre parcel they own at the northeast corner of Prospect and Geddes Roads. SMLC is attempting to sell the development rights on this parcel. An appraisal based upon the highest use would be used to determine the value of the development rights and the proposed decrease in density may result in a lower appraised value of the property. This would result in a reduction in the money they would receive for selling the development rights. He requested that the Board concur with the Planning Commission’s recommendation to remove the proposed amendment Section 7.306,C,2, to decrease the density regulation in the OSP zone. Mr. Weiner stated to the Board that when the SMLC purchases land, they plan on holding the land for perpetuity and never developing it. SMLC’s Articles of Incorporation indicate that SMLC acquires land for preservation. Mr. Weiner promised the Board that he and other SMLC board members would never approve the property to be sold or developed. He said the SMLC expects to submit a Farm and Ranch grant application this year and they would not have any objections to enacting the proposed decrease in density once the development rights are sold. There was also discussion by the Board on the other proposed amendments to the Zoning Ordinance.

It was moved by Phillips, seconded by McKinney, to concur with the Superior Township Planning Commission recommendation and approve for first reading the amendments to Sections 1.14, 4.02, 5.207 and 2.120 and 7.306 (delete proposed Section 7.306,C,2) as indicated in the communication dated Planning Administrator Deborah Kuehn dated April 3, 2009 (text that is added is underlined and bolded, text that is deleted is depicted as strike through):

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE # 174-02

The Board of Superior Charter Township of Washtenaw County, Michigan, hereby ordains that Ordinance Number 174, being the Superior Charter Township Zoning Ordinance, adopted August 4, 2008, and effective August 14, 2008, be amended by

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amending Section 1.14 (Public Hearing Procedures) to revised the Requirement for the posting of signage from 21 to 15 calendar days to match notice publication requirements; Section 4.02 (Table of Permitted Uses by District) to correct the land use table so that “Cemeteries” are listed as a permitted principal use in the PSP (Public/Semi-Public Services) District, and to show that “Drive-In or Drive-Through Facilities for Financial Institutions and Government Offices” are prohibited in the NSC (Neighborhood Shopping Center) Special District; and Section 5.207 (Single-Family Dwellings, Detached) to restore the requirement for a minimum residential floor area of 1,200 square feet for new single-family detached dwellings.

SECTION I

[REVISE the requirement for posting of signage in subsection “C.2.” from 21 calendar days to 15 calendar days to match notice publication requirements, as follows:]

**ARTICLE 1
ADMINISTRATION AND ENFORCEMENT**

Section 1.14 Public Hearing Procedures.

C. Posting of Signage.

For any proposed conditional use permit application per Article 11.0 (Conditional Uses), any variance request per Article 13.0 (Zoning Board of Appeals) or any rezoning application per Article 18.0 (Amendments) submitted by a property owner or persons acting on behalf of a property owner of the Township, the applicant(s) or owner(s) of the property subject to the application shall post public notice signage in accordance with the following:

2. Each sign shall be erected at least ~~21~~ **15** calendar days, but not more than 30 calendar days, before the Planning Commission’s public hearing date.

[REVISE the table of permitted uses by district to correct two (2) typographical errors, so that “cemeteries” are listed as a permitted principal use (“P”) in the PSP (Public/Semi-Public Services) District; and to show that “drive-in or drive-through facilities for financial

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institutions and government offices” are prohibited in the NSC (Neighborhood Shopping Center) Special District as follows:]

Uses	Districts														Use Standards		
	Rural			Residential				Business			Other	Special					
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC	VC		MS	PM
OFFICE, SERVICE, AND COMMUNITY USES																	
Cemetery		C	C								P						Section 5.303
COMMERCIAL USES																	
Drive-In or Drive-Through Facilities for Financial Institutions and government offices								C	C	C	A		P		C		Section 5.406

**ARTICLE 4
LAND USE TALBE**

Section 4.02 Table of Permitted Uses by District.

[INSERT a new subsection “7” to restore the requirement for a minimum residential floor area of 1,200 square feet for new single-family detached dwellings as follows:]

**ARTICLE 5
USE STANDARDS**

Section 5.207 Single-Family Dwellings, Detached

The intent of this Section is to ensure compliance of single-family detached dwellings on individual lots with all applicable Ordinance standards for the protection of the public health, safety, and welfare; and to ensure that new dwellings on individual lots are aesthetically compatible with existing single-family dwellings in the surrounding area. The standards of this Section are not intended to apply to dwellings located within a licensed and approved manufactured housing park in the R-6 (Manufactured Housing Park) District. New single-family detached dwellings and additions to existing dwellings constructed or installed on lots in the Township, without regard to the type of construction, shall be subject to the following:

1. The dwelling shall meet all applicable federal and state design, construction, and safety codes for the type of construction.

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2. The dwelling shall be placed on a permanent foundation wall meeting all requirements of the State Construction Code, subject to the following:
 - a. The dwelling shall be secured to the ground by an anchoring system that meets all State Construction Code and other applicable requirements before a Certificate of Occupancy is issued.
 - b. Wheels, tongue, hitch, or similar appurtenances attached to a manufactured dwelling shall be removed before anchoring the dwelling.
3. The dwelling shall be connected to potable water and sanitary sewerage facilities per Section 14.06 (Water Supply and Sanitary Sewerage Facilities).
4. The single-family detached dwelling shall be aesthetically compatible in design and appearance with housing in the neighborhood and other single-family dwellings in Superior Charter Township. Compatibility shall be determined according to the following standards:
 - a. Single-family dwellings shall comply with the standards of Section 14.09 (Building Form and Composition).
 - b. Exterior walls shall be finished with materials common to dwellings in the Township, such as, but not limited to, beveled siding or brick.
 - c. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township.
 - d. The dwelling, prior to any additions or expansions, shall have a minimum width across all front, side, and rear elevations of 26 feet see “Dwelling Elevations” illustration.
5. A building permit shall be required for construction of the foundation wall, for placement of the single-family detached dwelling on the lot, and for any addition(s) to the dwelling. A building permit shall not be issued until a Certificate of Zoning Compliance has been issued in accordance with Section 1.07 (Certificates of Zoning Compliance).
6. Not more than one (1) single-family detached dwelling shall use as a dwelling on a lot, nor shall a new dwelling be placed on any lot where an existing dwelling or other principal use is located. A single-family

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detached dwelling shall not be used as an accessory building in any residential district.

7. **Single-family dwellings shall have a minimum floor area, not including basement or attached garage floor area, of 1,200 square feet.**

SECTION II

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.

SECTION III

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 April 6, 2009 and for final reading on April 20, 2009. This Ordinance shall become effective on the eighth day following publication of second and final reading, or such later date as may be provided herein or by law.

David Phillips, Clerk

William McFarlane, Supervisor

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE # 174-03

**SUPERIOR CHARTER TOWNSHIP BOARD
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The Board of Superior Charter Township of Washtenaw County, Michigan, hereby ordains that Ordinance Number 174, being the Superior Charter Township Zoning Ordinance, adopted August 4, 2008, and effective August 14, 2008, as amended, be amended by amending Section 2.120 (Open Space Preservation (OSP) Overlay District) and Section 7.306 (Open Space Preservation (OSP) Special District) to update the lands to be designated consistent with the new official zoning map; to add density and height regulations; and to clarify amendment procedures for this overlay district.

SECTION I

[DELETE and REPLACE the text of subsection “B” as follows:]

**ARTICLE 2
ZONING DISTRICTS**

Section 2.120 Open Space Preservation (OSP) Overlay District.

Woods and fields permit water infiltration, help maintain biological diversity, and provide habitat for wildlife. The rural landscape provides the benefits of nature to citizen mental health. The Open Space Preservation (OSP) Overlay District is hereby established as a Special District to preserve open space for the citizens of Superior Charter Township now and in the future.

A. Intent.

The OSP Overlay District is intended to overlay certain designated and/or named properties in the Rural Districts and Planned Community (PC) Special District. In order that the rural landscape and open space is preserved and protected for posterity, the OSP Overlay District is designed to add a layer of protection on lands designated for open space, park land, or lands covered by preservation of development rights. The OSP District is a Special District and as such is also subject to applicable provisions of Article 7.0 (Special District Regulations).

B. Lands to be Designated.

The following parcels and portions of parcels in the Township are intended to be designated as part of the OSP Overlay District:

1. All parcels and portions of parcels located within the boundaries of the OSP Overlay District, as shown on the Official Zoning Map;
2. Any parcels and portions of parcels to be permanently preserved by means of a conservation easement or similar irrevocable land preservation method; and

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3. Any land areas identified in the Township's Growth Management Plan for preservation of open space, significant natural resources, park lands, agricultural lands or similar purposes.

DELETE

1. ~~Bromley Conservation Easement, part of 10-35-200-015 and part of 10-35-200016
(53.5 acres)~~
2. ~~Cherry Hill Nature Preserve, 10-17-300-001 (160.00 acres)~~
3. ~~Community park, 10-34-400-004 (18.48 acres)~~
4. ~~Drain easement along Stamford, 10-35-200-006 (19.39 acres)~~
5. ~~Harvest Moon Park, 10-35-400-003 (51.33 acres), 10-35-400-005 (15.85 acres) and 10-35-400-006 (15.30 acres)~~
6. ~~LeFurge Woods, 10-27-200-001 (47.00 acres); 10-27-200-002 (21 acres); 10-27200-003 (70.00 acres); 10-27-200-004 (10.00 acres); 10-27-300-001 (40.00 acres); 10-27-300-005 (40.00 acres); 10-27-300-008 (77.43 acres)~~
7. ~~Matthaei Botanical Gardens, 10-18-300-007 (135.86 acres); 10-19-200-005 (8.70 acres)~~
8. ~~Amberwood-Biltmore PDR, 10-28-100-001 (84.25 acres)~~
9. ~~Norfolk Park, 10-34-285-001, (3.69 acres)~~
10. ~~Proposed 15 acre park in Section 36, 10-36-400-002 (15 acres)~~
11. ~~Prospect Pointe Greenways, 10-33-108-801 (Russell Park 5.30 acres); 10-33-108802 (Fletcher Park .69 acres); 10-33-108-803 (Logan Park 20.13 acres)~~
12. ~~Radrick Farms Golf Course, part of 10-30-200-003 (46.30 acres); part of 10-30001 (46.21 acres)~~
13. ~~Schoek Park, part of 10-15-300-022~~
14. ~~Schroeder Park, 10-10-100-011 (23.52 acres); 10-10-100-013 (9.16 acres)~~
15. ~~Staebler Farm, 10-09-100-015 (86.04 acres)~~
16. ~~Township lands in southeast section of Section 35, 10-35-200-003 (1 acre) 1035-200-009 (1.17 acres); 10-35-400-001 (21.56 acres); 10-35-400-002 (3.59 acres); 10-35-400-004 (3.36 acres); 10-35-400-011 (.69 acres)~~
17. ~~Township Park in Section 9 (Blue Heron Farms), 10-09-400-049 (14.98 acres)~~
18. ~~Prospect Park (southwest corner of Prospect/Cherry Hill), 10-21-100-007 (.94 acres)~~
19. ~~Spring Hills Southeast Michigan Land Conservancy property, 10-15-100-010 (29.65 acres)~~
20. ~~All other Township owned Properties, as follows:
10-08-300-004 (Plymouth Rd. 1.71 acres)
10-09-400-052 (7999 Ford Rd. 7.08 acres)~~

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~~10-16-400-013 (3040 Prospect 1 acre)
10-32-400-031 (LeForge Rd. 2.52 acres)
10-34-100-002 (8795 Macarthur Blvd. 5.00 acres)
10-34-200-002 (Geddes Rd. 3.67 acres)
10-34-281-027 (Berkshire Dr. 11.40 acres)
10-34-300-003 (575 Clark Rd. 2.00 acres)
10-15-300-022 (3040 Prospect 10.25 acres)~~

[Add to subsection “B” and the text of subsection “C;” and INSERT a new subsection “D” entitled “Amendments” as follows:]

**ARTICLE 7.0
SPECIAL DISTRICT REGULATIONS**

Section 7.306 Open Space Preservation (OSP) Special District.

The following standards shall apply to Open Space Preservation (OSP) Overlay Special Districts:

A. Eligibility Criteria.

To be eligible for approval as an Open Space Preservation (OSP) Overlay Special District, the petitioner shall demonstrate, to the Township Board’s satisfaction after recommendation from the Planning Commission, that the petition and Area Plan are compatible with the adopted Growth Management Plan.

B. Site Plan Approval.

Parcels proposed to be rezoned to the OSP Special District in accordance with Article 7.0 (Special District Regulations) shall be subject to Special District and Area Plan approval in accordance with this Article.

1. Site plan approval shall not be required if no more than incidental changes are proposed to the subject land in the OSP Special District, as determined by the Township Board after recommendation by the Planning Commission.

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2. Other permitted uses on a parcel located within a previously approved OSP Special District shall be subject to the site plan approval in accordance with this Article and Section 10.02 (Site Plan Approval Required).

C. Density and Height Regulations.

The density and height regulations shall follow the regulations for the underlying district, except that all new structures shall have a minimum front yard of 200 feet unless built in a utility right-of-way or easement.

Construction of new single-family dwellings and land divisions for creation of new buildable lots shall be prohibited in the OSP Special District, except as follows:

1. The new single-family dwelling and/or land division conform to the requirements of this Ordinance for the underlying zoning district.

D. Amendments.

Land may be designated as Open Space Preservation lands in accordance with the procedures and requirements of Article 18.0 (Amendments). Land in the Open Space Preservation (OSP) Overlay Special District shall be rezoned to have the designation removed only in accordance with the procedures and requirements of Article 18.0 (Amendments) and the following:

1. **Public notice.** Public notice for all public hearings on a proposed rezoning to remove an Open Space Preservation (OSP) Overlay Special District designation shall conform to the requirements of Section 1.14A (Public Notice) and the following:
 - a. Such notices shall also include a map identifying the land area proposed to be removed from the OSP Special District designation, and including the area and main roads within a one (1) mile radius of the subject land.
 - b. Notice of public hearings under this subsection shall also be sent by mail or personal delivery to all households in Superior Township in which reside at least one (1) registered voter, and to all contiguous municipalities.

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- c. For any proposed rezoning to remove an OSP Special District designation, the public notice signage required per Section 1.14C (Posting of Signage) shall state “PROPERTY PROPOSED FOR REZONING TO REMOVE THE OPEN SPACE PRESERVATION (OSP) DISTRICT DESIGNATION.”
2. **Township Board public hearing required.** Following receipt of the report and recommendation from the Planning Commission, the Township Board shall hold an additional public hearing on the proposed amendment prior to considering and voting on a proposed rezoning to remove an Open Space Preservation (OSP) Overlay Special District designation. Public notice of the hearing shall be given in accordance with Section 1.14A (Public Notice) and this Section.
3. **Notice of adoption and referendum.** If the Township Board approves the rezoning to remove an Open Space Preservation (OSP) Overlay Special District designation, notice of the removal shall be published in accordance with Section 18.07 (Notice of Adoption). Such action shall be subject to the provisions of Section 18.08 (Referendum).

SECTION II

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.

SECTION III

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 April 6, 2009 and for final reading on April 20, 2009. This Ordinance shall become effective on the eighth day following publication of second and final reading, or such later date as may be provided herein or by law.

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David Phillips, Clerk

William McFarlane, Supervisor

Roll call vote:

Ayes: McKinney, Phillips, Caviston, Lewis, Williams, McFarlane. Green was absent.

Nays: None

The motion carried.

B. RED FLAG, IDENTITY THEFT PREVENTION PROGRAM

The Federal Trade Commission (FTC) adopted “Red Flag Rules”. By May 1, 2009, “creditors” with “covered accounts” are required to develop, adopt and implement a written identity theft program to detect, prevent and mitigate identity theft in connection with the opening of a covered account or any existing covered account. It has been determined that the “Red Flag Rule” requirements apply to the Utility Department, but no other departments in the Township. The Utility Department has developed and implemented an identity theft prevention program. The Board is required to adopt an official policy and procedure to establish an identity theft prevention program.

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
3040 North Prospect, Ypsilanti, Michigan 48198**

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 sixth day of April, 2009, at 7:30 p.m. Eastern Standard Time, the following resolution was offered by McKinney, and supported by Williams.

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
APRIL 6, 2009
A RESOLUTION TO ESTABLISH SUPERIOR CHARTER TOWNSHIP
OFFICIAL POLICY AND PROCEDURE
IDENTITY THEFT PREVENTION PROGRAM**

WHEREAS, over the past ten years, the crime of identity theft has exploded and

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is now the fastest growing crime in the United States; and

WHEREAS, the Federal Trade Commission (FTC) has adopted “Red Flag Rules” which require “creditors” with “covered accounts” to develop, adopt and implement a written identity theft program “to detect, prevent and mitigate identity theft in connection with the opening of a covered account or any existing covered account.” And

WHEREAS, the federal Fair and Accurate Credit Transactions Act of 2003 (FACTA) defines “creditor” as “any person who regularly extends, renews, or continues credit (or) who regularly arranges for the extension, renewal or continuation of credit”; and

WHEREAS, the FTC clarified that a “creditor” includes “lenders such as ...utility companies” and indicated that non-profit and governmental entities that defer payments for goods and services should be considered “creditors” for purposes of FACTA; and

WHEREAS, a “covered account” is defined as “as account that a ... creditor offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple or transactions, such as a...utility account...and any other account for which there is a foreseeable risk of identity theft”; and

WHEREAS, the FTC believes that municipal utilities are “creditors” for purposes of FACTA and therefore must comply with the Red Flag Rules to the extent that the municipalities defer payments for goods and services: and

Whereas, the Identity Theft Prevention Program must be approved and implemented by May 1, 2009

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS: The Superior Charter Township does hereby approve the Superior Charter Township Official Policy and Procedure Identity Theft Prevention Program as follows:

**Superior Charter Township
OFFICIAL POLICY AND PROCEDURE**

TITLE: IDENTITY THEFT PREVENTION PROGRAM	EFFECTIVE DATE: April 6, 2009
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Purpose

To establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in

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compliance with the Federal Trade Commission's Red Flags Rule (Part 681 of Title 16 of the Code of Federal Regulations) implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

Definitions

Identifying information means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

Identify theft means fraud committed or attempted using the identifying information of another person without authority.

A covered account means:

1. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and
2. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

A red flag means a pattern, practice or specific activity that indicates the possible existence of identity theft.

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Policy

A. IDENTIFICATION OF RED FLAGS. The Township identifies the following red flags, in each of the listed categories:

1. Suspicious Documents
 - i. Identification document or card that appears to be forged, altered or inauthentic;
 - ii. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
 - iii. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
 - iv. Application for service that appears to have been altered or forged.

2. Suspicious Personal Identifying Information
 - i. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
 - ii. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
 - iii. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
 - iv. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
 - v. Social security number presented that is the same as one given by another customer;
 - vi. An address or phone number presented that is the same as that of another person;
 - vii. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
 - viii. A person's identifying information is not consistent with the information that is on file for the customer.

3. Suspicious Account Activity or Unusual Use of Account
 - i. Change of address for an account followed by a request to change the account holder's name;
 - ii. Payments stop on an otherwise consistently up-to-date account;
 - iii. Account used in a way that is not consistent with prior use (example: very high activity);

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- iv. Mail sent to the account holder is repeatedly returned as undeliverable;
- v. Notice to the Township that a customer is not receiving mail sent by the Township;
- vi. Notice to the Township that an account has unauthorized activity;
- vii. Breach in the Township's computer system security; and
- viii. Unauthorized access to or use of customer account information.

4. Alerts from Others

- i. Notice to the Township from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

B. DETECTING RED FLAGS.

1. **New Accounts.** In order to detect any of the Red Flags identified above associated with the opening of a new account, Township personnel will take the following steps to obtain and verify the identity of the person opening the account:
 - i. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
 - ii. Verify the customer's identity (for instance, review a driver's license or other identification card);
 - iii. Review documentation showing the existence of a business entity; and/or
 - iv. Independently contact the customer.
2. **Existing Accounts.** In order to detect any of the Red Flags identified above for an existing account, Township personnel will take the following steps to monitor transactions with an account:
 - i. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
 - ii. Verify the validity of requests to change billing addresses; and
 - iii. Verify changes in banking information given for billing and payment purposes.

C. PREVENTING AND MITIGATING IDENTITY THEFT. In the event Township personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

1. **Prevent and Mitigate**

- i. Continue to monitor an account for evidence of Identity Theft;

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- ii. Contact the customer;
- iii. Change any passwords or other security devices that permit access to accounts;
- iv. Not open a new account;
- v. Close an existing account;
- vi. Reopen an account with a new number;
- vii. Notify the Township Manager for determination of the appropriate step(s) to take;
- viii. Notify law enforcement; and/or
- ix. Determine that no response is warranted under the particular circumstances.

2. Protect customer identifying information

- i. In order to further prevent the likelihood of identity theft occurring with respect to Township accounts, the Township will take the following steps with respect to its internal operating procedures to protect customer identifying information:
- ii. Ensure that its website is secure or provide clear notice that the website is not secure;
- iii. Ensure complete and secure destruction of paper documents and computer files containing customer information;
- iv. Ensure that office computers are password protected and that computer screens lock after a set period of time;
- v. Keep offices clear of papers containing customer information;
- vi. Request only the last 4 digits of social security numbers (if any);
- vii. Ensure computer virus protection is up to date; and
- viii. Require and keep only the kinds of customer information that are necessary for utility purposes.

D. PROGRAM UPDATES. This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Township from Identity Theft. The Township Manager will consider the Township's experiences with Identity Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Township maintains and changes in the Township's business arrangements with other entities. After considering these factors, the Township Manager will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Township Manager will present the Township Board with his/her recommended changes and the Board will make a determination of whether to accept, modify or reject those changes to the Program.

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E. PROGRAM ADMINISTRATION.

1. **Oversight.** Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Township. The Committee is headed by the Township Manager, with the Township Treasurer and Finance Director comprising the remainder of the committee membership. The Township Manager will be responsible for the Program administration, for ensuring appropriate training of Township staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.
2. **Staff Training and Reports.** Township staff responsible for implementing the Program shall be trained either by or under the direction of the Township Manager in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Township staff is required to provide reports to the Program Administrator on incidents of Identity Theft, the Township's compliance with the Program and the effectiveness of the Program.
3. **Specific Program Elements and Confidentiality.** For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Township's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.

Authority & Revisions

This policy is enacted immediately upon approval of the Township Board, as reflected in the regular meeting minutes dated April 6, 2009. Revisions to this policy shall only be enacted when approved by the Township Board and reflected in the applicable meeting minutes. This policy shall be reviewed at least biennially by the Township Manager and updated as appropriate.

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Roll call vote:

Ayes: Phillips, Caviston, Lewis, Williams, McFarlane, McKinney. Green was absent.

Nays: None.

THE RESOLUTION WAS DECLARED ADOPTED.

CERTIFICATION

I, David M. 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 April 6, 2009.

David M. Phillips, Superior Charter Township Clerk

C. REQUEST TO AMEND THE TOWNSHIP PERSONNEL MANUAL

Susan Mumm, Human Resources Administrator and the Township administrative staff proposed changes to Section 4.2 Family and Medical Leave Act (FMLA) Leaves of Absence of the Township Personnel Manual, paragraphs A., C., G., N., and also Section 2.15 Longevity Bonuses. Eligible employees can apply for the FMLA Equivalent Leave and it will be decided by the Board of Trustees on a case-by-case basis. If approved, the employee can take up to twelve weeks of unpaid leave and is guaranteed to be restored to their original job, or an equivalent job, upon their return. The employee must exhaust all accrued sick leave prior to going on the FMLA Equivalent Leave. The employer shall continue to pay health, dental, vision and life insurance premiums for the employee while they are on approved FMLA Equivalent Leave. The employee does not accrue credit towards longevity or educational bonuses while on FMLA Equivalent Leave.

It was moved by McKinney, seconded by Lewis, to approve the amendments to the Township Personnel Manual as outlined by Susan Mumm's 4/6/09 Memo with attached revisions.

The motion carried by a voice vote.

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D. APPOINTMENT TO THE WETLANDS BOARD

Supervisor MacFarlane recommended that Jacqueline Beaudry be appointed to the Wetlands Board to fill the term vacated by Brenda Baker. The appointment is for the remainder of a three year term scheduled to expire on April 7, 2011. Ms. Beaudry was formerly the Deputy Clerk of Superior Township. She is presently the Clerk for the City of Ann Arbor. She is very knowledgeable about parliamentary procedure and committee work. She is interested in environmental issues, including wetlands.

It was moved by McKinney, seconded by Lewis, to concur with Supervisor McFarlane and approve the appointment of Jacqueline Beaudry to the Wetlands Board for the remainder of a three year term to end April 7, 2011.

The motion carried by a voice vote.

E. AGREEMENT ON LAWN MOWING IN THE SIDE STREET MAINTENANCE AREAS

The Township collects a special assessment on residents in the Oakbrook and Washington Square subdivisions in order to maintain the right of way areas bordering the subdivisions. This program is called the street-side maintenance special assessment district. Since 2001, Mr. Charles Swanson has held the contract to mow the lawn and perform other minor cleanup in the street-side areas. He is a Township resident and has performed an excellent job. He has re-submitted a bid to complete the lawn mowing and cleanup. His bid covers the same work as last year and is the same price, \$14, 000.00. He would be an independent contractor, is not entitled to any Township benefits and is responsible for all of his own expenses and insurance. He has provided the Township with a Certificate of Insurance for General Liability insurance.

It was moved by McKinney, seconded by Lewis, to approve the contract to hire Mr. Charles Swanson as an independent contractor to perform lawn mowing and other side street maintenance as outlined in the Agreement for the 2009 summer season at a cost of \$14,000.00.

The motion carried by a voice vote

F. TOWNSHIP PETTY CASH POLICY

The Township maintains a petty cash fund for small emergency purchases. Township staff drafted a policy to establish oversight of the petty cash. Not more than \$100.00 shall be kept in the petty cash fund. Use of petty cash requires the department head's (or

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designee) approval. The user shall provide receipts and the fund shall be accounted for weekly and noted in the monthly financial reports.

SUPERIOR CHARTER TOWNSHIP PETTY CASH FUND POLICY

1. PURPOSE:

To enable Township employees and/or representatives to make cash purchases of items necessary to fulfill their duties and responsibilities.

2. GUIDELINES:

- Petty cash items should generally be under \$100.00.
- The items purchased through the petty cash fund should be ones that can not be purchased on credit through one of the Department's usual suppliers.

3. PROCEDURES:

- The funds expended shall be accounted for through a petty cash form that is filled out so that it contains a description of the item(s) purchased and includes the cost of the item.
- A receipt or document must accompany the request for reimbursement.

4. ACCOUNTING:

- The Petty Cash Fund will be recorded as part of Cash on Hand.
- Petty Cash will be reviewed weekly.
- Ultimate accountability for the Petty Cash Fund rests with the Township Treasurer.
- The monthly Petty Cash balance will be shown on the financials.

5. RESPONSIBILITY:

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- The General Fund Petty Cash shall be the responsibility of the Treasurer/Deputy Treasurer.
- The Utility Fund Petty Cash shall be the responsibility of the Utility Director/Utility Office Manager.

April 3, 2009

It was moved by McKinney, seconded by Lewis, to approve the Superior Charter Township Petty Cash Policy dated April 3, 2009.

The motion carried by a voice vote.

G. OVERDRAWN PLANNING ACCOUNTS

Planning Administrator Deborah Kuehn provided a memo indicating that the Township recently reviewed the Township's record of planning accounts. These are monies owed to the Township by developers for Planning Commission review. It was determined that several accounts are uncollectible and should be set aside. Fairway Glens owes \$992.68 and the Landon Company owes \$2,040.00. Fairway Glens has been taken over by the Key Bank and the Landon Company invoices are ten years old. Previous attempts to collect the monies have been unsuccessful. The auditors recommended that uncollectible accounts be written off. The Township is in the process of attempting to collect other over-due planning accounts.

It was moved by Phillips, seconded by McKinney, to approve the Township writing-off the planning accounts owed by Fairway Glens in the amount of \$992.68 and the Landon Company in the amount of \$2,040.00.

The motion carried by a voice vote.

H. PAY ADJUSTMENT FOR THE TREASURER'S ASSISTANT

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In May, the Deputy Treasurer will be going on leave for several months. During her absence, the Treasurer's Office Assistant will take on increased responsibilities and work assignments. The Township Administrative staff and the Township's Human Resources Administrator have recommended that the Treasurer's Office Assistant be given a \$2.00 per hour raise during the Deputy Treasurer's absence.

It was moved by McKinney, seconded by Caviston, to approve the pay increase of the Treasurer's Office Assistant from \$14.17 per hour to \$16.17 per hour during the absence of the Deputy Treasurer. Upon return of the Deputy Treasurer, the Treasurer's Office Assistant will be returned to \$14.17 per hour.

The motion was approved by a unanimous voice vote.

I. Budget Amendments

It was moved by Caviston, seconded by Lewis, to approve the following Budget Amendments to the Fire Fund:

Equipment - Debit \$6,335.00 Credit \$6,335.00

Roll call vote:

Ayes: McFarlane, McKinney, Phillips, Caviston, Lewis, Williams. Green was absent.

Nays: None

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 Fund - \$15,474.00, Law- \$8,654.16, for a total of \$24, 128.16; further that the Record of Disbursements be received as submitted.

The motion carried by a voice vote.

12. PLEAS AND PETITIONS

There were none.

13. ADJOURNMENT

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It was moved by McKinney, supported by Caviston, that the meeting adjourn. The motion carried by a voice vote and the meeting adjourned at 8:35 p.m.

Respectfully submitted,

David Phillips, Clerk

William McFarlane, Supervisor