

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
NOVEMBER 21, 2016  
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 Ken Schwartz at 7:00 p.m. on November 21, 2016 at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

**2. PLEDGE OF ALLEGIANCE**

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

**3. ROLL CALL**

The members present were Ken Schwartz, Lynette Findley, Brenda McKinney, Rodrick Green, Lisa Lewis and Alex Williams.

Absent: Nancy Caviston

**4. ADOPTION OF AGENDA**

It was moved by McKinney supported by Green to adopt the agenda with the addition of adding: New Business - Bid for Roof Repair to Utility Maintenance Facility.

Communications: Letter of Commendation for Ricky Harding.

The motion carried by unanimous vote.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF OCTOBER 17, 2016**

It was moved by Green supported by Lewis to approve the minutes of the regular Board meeting of October 17, 2016 as presented.

The motion carried by unanimous vote.

**6. CITIZEN PARTICIPATION**

**A. CITIZEN COMMENTS**

Michelle Deatruck introduced herself as a resident of Superior Township, honored to serve as County Commissioner.

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**7. PRESENTATIONS AND PUBLIC HEARINGS**

None

**8. REPORTS**

• **SUPERVISOR REPORT**

Supervisor Schwartz reported on the following:

- ZBA request by one resident. Rick Mayernik denied request based upon 13.07- Special Districts are not available. Resident will appeal Rick's request.
- Dave Phillips retirement party was Wednesday, November 16. Approximately 100 people attended.
- This past Friday, November, 18, Judge Simpson conducted the swearing in ceremony for all elected and other township officials.
- Representatives from Lombardo will be coming back soon for Phase III, now a condominium instead of a plat. New name for Phase III will be Prospect Pointe West. They will reduce density, expand front yard line and build slightly larger homes. Average price range comparisons: 2014 - \$230,000, 2015- \$288,000, highest price homes will be - \$330,000.
- Hearing was held on November, 3 concerning the Burley property. Court appointed co-conservators. Must report back to court on December 19, 2016.
- Update on SAW grant: Financial report was filed on time. Coming to the end of grant and will receive final report from OHM in February. Software and hardware will be the last big purchases.
- Dixboro planted 14 new replacement maples; paid for by C-TAP
- Sutton Ridge going through preliminary site plan approval. Will come back to the Board.
- County Board appointed Greg Dill, County Administrator.
- Planning Commission Board has an opening
- Introduction for Pilot for Danbury. If approved today, they are requesting a special meeting for Ordinance.

**B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, PARKS COMMISSION MINUTES, SHERIFF'S REPORT**

It was moved by McKinney, supported by Green that Superior Township Board to receive all reports.

The motion carried by unanimous vote.

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**C. UTILITY DEPARTMENT FINANCIAL REPORTS PERIOD ENDING  
SEPTEMBER 30, 2016.**

It was moved by Green, supported by Lewis to receive the Utility Department Financial reports Period Ending September 30, 2016.

The motion carried by unanimous vote.

**D. CONTROLLER'S REPORT, 1<sup>ST</sup> – 3<sup>RD</sup> QUARTER, 2016**

It was moved by McKinney, supported by Green to receive the Controller's Report, 1<sup>st</sup> -3<sup>rd</sup> Quarter, 2016.

The motion carried by unanimous vote.

**9. COMMUNICATIONS**

**A. LETTER OF COMMENDATION for RICKEY HARDING FROM ROBERT BLANTON, S.T.U.D. MAINTENANCE SUPERVISOR.**

It was moved by Green, supported by Lewis to receive letter of commendation.

The motion carried by unanimous vote.

**10. UNFINISHED BUSINESS**

- a. **Township Website Transition:** Trustee Williams stated 80% of current website is complete. Just started to work on updates. Will take up to 10 hours a week and that the Township may have to hire someone. Williams wanted to know who he should work with to get forms for website, photo gallery pictures and maps. Williams will be with Supervisor Schwartz on Tuesday morning, November 22, 2016, to get all of his questions and concerns addressed.
  
- b. **2017 Township Holiday Schedule:** Supervisor Schwartz stated the 2017 Township holiday schedule may be amended related to the dates in December. He would like to review and see how all holidays line up. Suggested table and review for next meeting.

It was moved to table to December 19, 2016 meeting by Green, supported by Williams.

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**11. NEW BUSINESS**

**A. RESOLUTION 2016-26, 2017 SALARIES for NON-UNION EMPLOYEES**

Supervisor Schwartz explained before budget year begin, must set salary for non-union employees. Board has already approved in 2017 budget three percent (3%) raise.

The following resolution was moved by Green, supported by McKinney.

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
NOVEMBER 21, 2016  
RESOLUTION 2016-26**

**A RESOLUTION AFFIRMING THE SALARIES OF ALL NON-UNION EMPLOYEES OF  
SUPERIOR TOWNSHIP FOR THE 2017 BUDGET**

**WHEREAS:** the Charter Township of Superior Board of Trustee's approved the 2017 budgets for all funds on October 17, 2016; and

**WHEREAS:** the Board of Trustees did not specifically designate the compensation for the full-time and part-time Township employees; and

**WHEREAS:** the Township auditors have requested that the compensation for the employees be approved by the Board of Trustees by resolution; and

**WHEREAS:** the residents of Superior Township continue to receive service that reflects positively on the employees, officials and trustees of the Township,

**NOW THEREFORE BE IT RESOLVED:** that compensation for all full-time and part-time non-union employees be three percent (3%) higher in 2017 than their compensation in 2016, as set forth in the 2017 budget adopted by the Superior Charter Township Board of Trustees.

The resolution carried by unanimous vote.

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**B. RESOLUTION 2016-27, 2017 SALARIES for SUPERVISOR, CLERK, TREASURER  
and TRUSTEES**

Supervisor Schwartz stated that a three percent (3%) raise for the Supervisor, Clerk and Treasurer higher than their compensation in 2016.

Trustee Williams commented he had heard concerns regarding availability of administrative staff. Supervisor Schwartz stated generally officials are in the office unless there are times when all have meetings. The administrative staff may be reached at all times by phone if necessary.

The following resolution was moved by McKinney, supported by Green.

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
NOVEMBER 21, 2016  
RESOLUTION 2016-27**

**A RESOLUTION ADOPTING 2017 SALARIES for SUPERVISOR, CLERK,  
TREASURER and TRUSTEES**

**WHEREAS:** the Superior Charter Township Board of Trustees approved the 2017 budgets for all funds on October 17, 2016;

**WHEREAS:** the Board of Trustees did not specifically designate the compensation for the full-time elected officials or the Board of Trustees; and

**WHEREAS:** the Township auditors have requested that the compensation for the full-time elected officials and the Board of Trustees be approved by the Board of Trustees by resolution; and

**WHEREAS:** the residents of Superior Township continue to receive service that reflects positively on the employees, officials and trustees of the Township,

**NOW THEREFORE BE IT RESOLVED:** that compensation for the Treasurer, Clerk and Supervisor be three percent (3%) higher in 2017 than their compensation in 2016 as listed in the 2017 budget adopted by the Superior Charter Township Board of Trustees.

**BE IT FURTHER RESOLVED:** that the compensation for the Board of Trustees to remain the same.

The resolution carried by unanimous vote.

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**C. BOARD OF TRUSTEES APPOINTMENT TO BOARDS**

Supervisor Schwartz shared a list of appointed Superior Township Board Members to serve on Superior Township Committees, Commissions, Boards and Authorities.

Planning Commission	Lynette Findley
Park Commission Liaison	Alex Williams
Zoning Board of Appeals	Lisa Lewis
Supervisor Pro Tem	Brenda McKinney
SEMCOG	Rodrick Green
Superior Scenes	Nancy Caviston
Dixboro Design Review Board	Ken Schwartz/ Lynette Findley
Wetlands Board	Nancy Caviston
WATS	Ken Schwartz/ Brenda McKinney
County Non-Motorized Trail Committee	Ken Schwartz
Election Commission	R. Green/L. Lewis/Lynette Findley
Washtenaw Co. Solid Waste Authority	Alex Williams/ Lynette Findley
Urban County	Ken Schwartz/Brenda McKinney

The following appointments were moved McKinney, supported by Green.

The motion carried by unanimous vote.

**D. RESOLUTION 2016-29, FEES PERTAINING TO ST ZONING ORDINANCE**

Supervisor Schwartz explained this is a correction to the previously approved by the Board Resolution 2016-03 to make corrections in the fee structure.

The following resolution was moved by Green, supported by Williams.

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**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
NOVEMBER 21, 2016  
RESOLUTION 2016-29**

**A RESOLUTION TO AMEND FEES PERTAINING TO THE SUPERIOR  
CHARTER TOWNSHIP ZONING ORDINANCE MARCH 21, 2016 TO  
NOVEMBER 21, 2016 AND RESOLUTION 2016-03 TO 2016-29**

**WHEREAS:** this Board is authorized by the Zoning Ordinance of the Charter Township of Superior to set fees by resolution for various matters arising in the course of administration of the Zoning Ordinance to defray the cost of processing and evaluating applications, permits and requests; and

**WHEREAS:** this Board has reviewed the fees previously in effect and has found that they are in need of revision; and

**LET IT THEREFORE BE RESOLVED:** that the Charter Township of Superior, Washtenaw County, Michigan, does hereby correct the total amounts that were included in the fee schedule adopted on March 21, 2016 by Resolution 2016-03, for

**1. APPLICATION FEE REQUIRED**

An application fee is required to cover the fixed costs and expenses incurred by the Township for processing of applications for planning review, engineering review, construction inspection and other actions as applicable. These fees are used to cover costs such as 1) The cost of the Planning Commission meetings; 2) Mailing and publication of notices; 3) Maintain the accounting of and processing payments to professionals and consultants; 4) In-house staff time for review of plans, development agreements, performance guarantees, etc.

Application fees are non-refundable.

**2. ESCROW ACCOUNT ESTABLISHED**

An escrow fund shall be established whenever an application is submitted. Escrow funds are used to defray anticipated variable costs and expenses incurred by the Township where professional input, study or review is desired before a final decision is made. This includes the Township consultants' engineering, planning, legal reviews and other costs as appropriate. All escrow funds shall be deposited in a non- interest bearing account and are refundable if they are not used.

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**3. ADDITIONAL DEPOSITS TO ESCROW FUND REQUIRED**

Whenever the escrow account falls below a specific level, the applicant will be notified in writing and requested to submit additional escrow. For projects that require a minimum escrow deposit of \$2,500, if the escrow falls below \$1,000, the applicant will be required to deposit a minimum of \$2,500 plus an additional fee. For projects at the engineering review stage or the construction inspection stage, if the escrow falls below \$5,000, the applicant will be required to deposit \$5,000 plus an additional application fee. If the deposit is not made in a timely manner, the Township may stop further reviews and Township work on the project until the requested deposit is made (See Superior Township Zoning Ordinance Section 1, 12, B, 3, b). Any account balance remaining upon completion of the project and acceptance of the record plans will be returned to the applicant.

**4. APPLICATION FEES AND MINIMUM ESCROW DEPOSITS REQUIRED**

The following fees and minimum escrow deposits shall be paid by the petitioner to the Superior Charter Township Treasurer at the time of submittal of an application for each of the following. The Township may reduce or waive the escrow deposit and/or the application fee if it determines the project will require minimal review or application work.

<b>Planning Commission Review</b>	<b>Escrow Deposit</b>	<b>Application Fee</b>	<b>Total</b>
Area Plan/Rezoning for Special District*	\$5,000	\$900	\$ 5,900
Site Plan – Preliminary	\$5,000	\$900	\$5,900
Site Plan – Final	\$5,000	\$900	\$5,900
Site Plan – Revised	\$2,500	\$300	\$2,800
Major/Minor Change Determination by the PC	\$2,500	NA	\$2,500
Minor Site Plan Review	\$2,500	\$100	\$2,600
Application Review	\$2,500	NA	\$2,500
Extension of Site Plan	\$2,500	NA	\$2,500
Rezoning Petition, Other than a Special District	\$2,000	\$500	\$2,500
Conditional Use Permit	\$2,500	\$500	\$3,000



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Additional escrow when required	Either \$2,500 or \$5,000	\$100 for each \$2,500 of added escrow	\$2,600 or \$5,200
Zoning reviews for new homes, additions, agricultural buildings, property divisions and re-descriptions	\$2,500 if there is a need for consultant review	\$50	\$50 or \$2,550

\*Includes Major Change Amendments to previously approved Area Plans

<b>Engineering Review</b>	<b>Escrow Deposit</b>	<b>Application fee</b>
At the time of submittal of detailed construction plans, specifications, and detailed estimates of total costs of the proposed construction and improvements, the applicant shall make a deposit in the project escrow account.		
Residential	1 ½% of project cost plus \$1 per du	\$500
Non-residential	1 ½ % of project cost plus \$1 per 1,500 s.f. of bldg. size	\$500
Additional escrow when required	\$5,000 minimum	\$200 for each added \$5,000

<b>Engineering Inspection</b>	<b>Escrow Deposit</b>	<b>Application fee</b>
The review escrow shall cover the costs of actual engineering inspection and any application engineering time incurred by the Township's engineers in association with the project.	Established by Township Engineer	\$500
The extent of inspection and field engineering required may be determined by the Township's engineer based upon the contractor's performance and the applicant's engineering involvement. The costs associated with any field design changes, reviews, evaluations or interpretations of the plans due to discrepancies evolving from the construction operation shall be deducted from the inspection escrow accounts.		

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Additional deposit to escrow account	\$5,000 minimum	\$200 for each added \$5,000
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**5. MISCELLANEOUS FEES**

**A ZONING BOARD OF APPEALS PETITION**

At the time of filing an appeal to the Zoning Board of Appeals, application fees shall be paid by the petitioner to the Superior Charter Township Treasurer as follows: Appeals brought by the owner of a single-family dwelling and involving a variance request regarding “Density and Height Regulations” for one such dwelling: \$175.00. Any other appeal: \$500.00. The Township may require the applicant establish an escrow account when the Township determines review is required by the planner, engineer, attorney or other consultants. The amount of escrow shall be determined by the Township but shall be a minimum of \$1,500. As with all escrow funds, any monies not used shall be returned to the applicant.

**B. SPECIAL MEETING OF THE TOWNSHIP BOARD**

At the time of filing a request with the Township Clerk for a special meeting of the Township Board, an application fee of \$600.00 shall be paid by the requester to the Superior Charter Township Treasurer. If the Board determines for any reason that special meeting cannot be held, \$450.00 of the \$600.00 application fee shall be refunded, with the remaining portion of the fee to be retained by the Township for application costs.

**C. SPECIAL MEETING OF THE TOWNSHIP PLANNING COMMISSION**

At the time of filing a request with the Township Clerk for a special meeting of the Township Planning Commission, an application fee of \$750.00 shall be paid by the requester to the Superior Charter Township Treasurer. If the Planning Commission determines for any reason the special meeting cannot be held, \$650.00 of the \$750.00 application fee shall be refunded, with the remaining portion of the fee to be retained by the Township for application costs.

**D. PRE-APPLICATION CONSULTANT MEETING**

At the time of scheduling a pre-application meeting with the Township Planner, an application fee of \$100.00 shall be paid by the applicant to the Superior Charter Township Treasurer. If additional meetings are requested, an additional application fee of \$75.00 per meeting shall be paid.

**E. PRE-APPLICATION REVIEW**

Before an application for rezoning, conditional use or site plan review is filed, the petitioner may request a pre-application review by the Township’s planner and/or engineer. An application fee

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of \$500.00 shall be paid by the applicant to the Superior Charter Township Treasurer before such a review is undertaken.

**F. TOWNSHIP ADMINISTRATION**

The Township shall maintain accurate accounting records of all funds received and all funds expended. Upon request by the applicant, the Township shall provide a statement of all funds received and expended.

**G. PUBLICATION AND EFFECTIVE DATES**

This resolution and fee schedule shall become effective immediately upon publication in MLive's Ann Arbor edition, aka, the Ann Arbor News, a newspaper of general circulation within the Township on \_\_\_\_\_ 2016.

**CERTIFICATION**

I, Lynette Findley, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Superior Charter Township Board held on November 21, 2016 and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

**BE IT FURTHER RESOLVED** that the Supervisor and Clerk are authorized to execute any document necessary to carry this resolution into effect.

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Kenneth Schwartz  
Supervisor

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Lynette M. Findley  
Clerk

Roll call vote:

Ayes: Schwartz, McKinney, Findley, Green, Lewis, Williams

Nays: None

Absent: Caviston

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The motion carried by unanimous vote.

**E. RESOLUTION TO ACCEPT RESIGNATION LETTER OF PARK COMMISSIONER  
LINDSEY WOOTEN**

Supervisor Schwartz stated that Lindsey Wooten was elected to the Parks Commission and resigned due to relocation of job.

The following resolution was moved McKinney, supported by Lewis.

**SUPERIOR CHARTER TOWNSHIP BOARD  
RESOLUTION**

**RESOLUTION 2016-30**

**November 21, 2016**

**WHEREAS**, On November 8, 2016 Lindsey Wooten (now Dotson) was elected to the Superior Township Park Commission; and

**WHEREAS**, on November 17, 2016, Lindsey Wooten tendered her resignation from the Park Commission based upon moving to Northern Michigan.

**NOW THEREFORE**, the Superior Township Board accepts the resignation of Lindsey Wooten.

The resolution carried by unanimous vote.

**F. RESOLUTION 2016-31 PARK COMMISSION APPOINTMENT**

Supervisor Schwartz stated with the resignation of Lindsey Wooten, a vacancy was created on the Parks Commission. It was suggested by Marian Morris, Parks, Chair and supported by others to appoint Nahid Yahyai to the Commission. She had served the previous term.

The following resolution was moved by McKinney, supported by Lewis.

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**SUPERIOR CHARTER TOWNSHIP BOARD  
RESOLUTION**

**RESOLUTION 2016-31**

**November 21, 2016**

**WHEREAS**, On November 8, 2016 Lindsey Wooten (now Dotson) was elected to the Superior Township Park Commission; and

**WHEREAS**, on November 17, 2016, Lindsey Wooten tendered her resignation from the Park Commission based upon moving to Northern Michigan.

**WHEREAS**, on November 21, 2016 the Superior Township Board of Trustees accepted the resignation of Lindsey Wooten.

**WHEREAS**, on November 17, 2016, Nahid Yahyai sent to the Township a letter of interest to serve on the Park Commission to fill the term of Lindsey Wooten until the next general election.

**NOW THEREFORE**, the Superior Township Board of Trustees appoints Nahid Yahyai to serve the term of Lindsey Wooten on Superior Township Park Commission until the general election of 2020.

The resolution carried by unanimous vote.

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
NOVEMBER 21, 2016**

**RESOLUTION 2016-32**

**G. RESOLUTION TO ACCEPT FEMA GRANT for FIRE TRUCK**

Supervisor Schwartz noted memo from Fire Chief Chevrette regarding the selection of KME for new ladder truck. He also once again recognized Chris Wiggins for securing the grant and saving the tax payers \$840,000. Chris was honored by the City Club of Ann Arbor for People of the Year.

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It was moved by Lewis, supported by McKinney.

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# Superior Township Fire Department

7999 Ford Rd, Ypsilanti MI, 48198 Tel: (734) 484-1996 Fax: (734) 484-1997, [www.superior-twp.org/departments/fire](http://www.superior-twp.org/departments/fire)

To: Ken Schwartz, Supervisor

Date: 16 Nov. 2016

From: Vic Chevrette, Fire Chief

Ref: Ladder Truck Bid Proposals

Supervisor Schwartz,

On 27 October 2016, nine proposals were received for the New Ladder Truck. On 7 November 2016, the Fire Department Officers met to discuss and recommend one company that meets the requirements within the RFP that was listed on MITN website. Between 27 October and 7 November the Fire Department Officers were given only copies of the RFP's for review for discussion at the 7 November meeting.

The following list of companies were discussed in reference to RFP's.

Pierce Manufacturing: Halt Sales, Demo unit, did not meet the requirements of the RFP.

E-One Company: Westshore Sales, 2 Demo units, did not meet the requirements of the RFP.

Smeal Company: R&R Fire Truck Sales, unit did not meet the requirements of the RFP.

LTC Company: R&R Fire Truck Sales, unit did not meet the requirements of RFP.

Rosenbauer Company: Emergency Vehicles Plus, unit did not meet the requirements of the RFP.

Spartan ERV: Zahnen Trucking, unit did not meet the requirements of the RFP.

KME Company: Payette Sales, Demo unit, did not meet the requirements of the RFP.

Please note that out of the demo units, two were over 1 year old.

After several hours of discussion and reviews, the Fire Department Officers agreed and recommend that the truck should be built and purchased New through KME Company, Payette Sales. The base price bid was opened at the price listed was \$988,448.00. Additional

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cost were listed on Page 3 of the document from KME/Payette Sales for an additional cost of \$10,325.00. These items were not covered in the RFP request. Total price for the unit to be completely built is \$998,773.00. A few items to mention about this selection are as follows:

1. The past two Fire Engines were purchase through KME/Payette Sales.
2. KME/Payette Sales were the only company to offer "prepay discounts" as listed on page 2 of the KME/Payette Document.
3. The cab would be the same style as the two previous Fire Engines (Predetor) that were purchase. This would allow our firefighters to be more comfortable with the operations of the truck as all trucks are the same.
4. Truck would be easier to maintain, as all parts and fluids would be the same.

As part of the FEMA grant that was awarded, the vehicle would have a delivery date of 420 days upon signing of the contract. The Fire Department Officers and myself, recommend to the Superior Township Board of Trustee's to purchase the New 2017, 103' Ladder Truck from KME/Payette Sales & Service Inc., 27250 Kitty Hawk Suite B, Grosse Ile, MI 48138.

Respectfully Submitted



Victor G. Chevrette  
Fire Chief



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**SUPERIOR CHARTER TOWNSHIP BOARD  
RESOLUTION  
RESOLUTION 2016-32  
November 21, 2016**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT EMV-2015-FV-90115 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

**WHEREAS**, the Superior Charter Township Fire Department applied for a FEMA grant for the acquisition of a fire engine ladder truck.

**WHEREAS**, Superior Township was notified by FEMA that the grant was approved in the amount of \$840,910.00; and,

**WHEREAS**, a condition of the grant is a match by Superior Township in the amount of ten percent (10%) of the total allocation to Superior Township; and

**WHEREAS**, Superior Township posted a bid for the fire engine on the State of Michigan Website (MITN); and

**WHEREAS**, the Superior Township receive nine (9) bids from qualified vendors, and

**WHEREAS**, the Superior Township Fire Chief had the three Captains evaluate the nine bids irrespective of price to determine the most qualified bid; and,

**WHEREAS**, the Fire Chief and the Captains agreed that the bid from KME was the most qualified bid. (See attached memo)

**NOW THEREFORE BE IT RESOLVED** that the Superior Charter Township Board of Trustees authorizes the administrative staff to execute the sales agreement with KME and to take all other necessary actions to close the sale and receive delivery of the ladder truck and to pay proceeds from line item 206-000-393-015 fire truck reserve fund.

The resolution carried by unanimous vote.

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**H. AMENDED AND RESTATED TAX EXEMPTION ORDINANCE # 159**

Supervisor Schwartz explained this is a tax exemption Ordinance for low income housing rental agreement from Danbury. Cost of deputy for new owners will increase from 31% to 52% and the Township will receive \$200.00 a month for litter control, tree planting and more security cameras installed. New owners will pay for special meeting in next several days if approved.

Moved by McKinney and supported by Green to introduce Ordinance #159 and to have a special meeting.

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
ORDINANCE NO. 159  
AMENDED AND RESTATED TAX EXEMPTION ORDINANCE**

An Ordinance to provide for a service charge in lieu of taxes for a multiple family dwelling project for persons of low income to be financed or assisted pursuant to the provisions of the State Housing Development Authority Act of 1966.

**THE SUPERIOR CHARTER TOWNSHIP ORDAINS:**

**Section 159.01.Short Title**

This Ordinance shall be known and cited as the “Danbury Park Manor Tax Exemption Ordinance.”

**Section 159.02. Preamble**

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCL Section 125.1401 *et seq.*). Superior Charter Township is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by an or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be but for this Act. It is further acknowledged that such housing for persons of low income is a public necessity, and as Superior Charter Township will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The Charter Township of Superior acknowledges that Danbury Limited Dividend Housing Association LLC its successors and assigns(the “Sponsor”) has offered subject to receipt of a federally aided or state-aided mortgage as such terms are defined in the Actor subject to assumption of the existing LIHTC Program Regulatory Agreement to own and operate a housing

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development identified as Danbury Park Manor on certain property located at 9412 MacArthur Boulevard, Superior Charter Township, Washtenaw County, Michigan to serve persons of low income and that the Sponsor has offered to pay Superior Charter Township on account of this housing development an annual service charge for public services in lieu of all taxes.

**Section 159.03. Definitions.**

- A. Authority means the Michigan State Housing Development Authority.
- B. Act means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.
- C. Annual Shelter Rent means the total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.
- D. Housing Development means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it related to housing for persons of low income.
- E. Low Income Persons or Families means low income persons or families as defined in Section 15(a) (7) of the Act.
- F. LIHTC Program means the Low Income Housing Tax Credit Program administered by the Authority pursuant to Section 42 of the Internal Revenue Code of 1986, as amended.
- G. Mortgage Loan means any state-aided or federally-aided mortgage as such terms are defined in the Act to the Sponsor for the permanent financing of the Housing Development.
- H. Utilities mean fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.
- I. Sponsor means person(s) or entities which received a Mortgage Loan to finance a Housing Development or assumed the existing LIHTC Program Regulatory Agreement. Danbury Limited Dividend Housing Association LLC is presently the Sponsor of the Housing Development identified in this Ordinance.
- J. Township means the Charter Township of Superior.

**Section 159.04. Class of Housing Developments**

It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing developments for low income persons, which are financed or assisted pursuant to the Act. It is further determined that Danbury Park Manor is of this class. On or before November 1 of each year, the Sponsor shall file an annual notification of eligibility for the exemption by affidavit which shall include certification of eligibility by the Authority with the local assessing officer.

**Section 159.05. Establishment of Annual Service Charge**

The Housing Development identified as Danbury Park Manor and the property on which it is located shall be exempt from all property taxes from and after the date of enactment of this Ordinance. The Township, acknowledging that the Sponsor has established the continuing economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. For the initial year under this agreement the Annual Service Charge shall be 4% of Annual Shelter

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Rents. For each year thereafter, the Annual Service charge shall be equal to the greater of the following:

- A. 4% of the Annual Shelter Rents actually collected and utilities; or
- B. The amount of the previous years' service charge increased by CPI, not to exceed 2% of that amount.

Additionally, Sponsor shall pay the administrative costs and attorney fees of the Township for establishment of the PILOT.

**Section 159.06. Amendment of Annual Service Charge**

In the event, the Security Service Agreement dated November 29, 2016 between the Township and Sponsor is terminated for any reason, it is agreed that the provisions of Section 159.05 regarding the annual service charge shall be amended to provide that the Annual Service Charge shall be equal to the greater of the following:

- A. 7.5% of the difference between the Annual Shelter Rents actually collected and utilities; or
- B. The amount of the previous years' service charge increased by CPI, not to exceed 2% of that amount.

**Section 159.07. Limitation on the Payment of Annual Service Charge**

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the Housing Development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.

The term "low income" as used herein shall be the same as found in Section 15(a)(7) of the Act. The service charge provided by this Ordinance shall not exceed the tax that would be paid but for the Act and this Ordinance.

**Section 159.08. Contractual Effect of Ordinance**

Notwithstanding the provisions of Section 15(a) of the Act to the contrary, a contract between the Township and the Sponsor to provide tax exemption and accept payments in lieu of taxes is effectuated by enactment of this Ordinance.

**Section 159.09. Payment of Service Charge**

The service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes are payable to the Township except that the annual payment shall be paid on or before May 1<sup>st</sup> of each year. Payment of the service charge in lieu of taxes after May 1<sup>st</sup> shall be subject to an additional monthly service charge of 0.5% on the unpaid balance.

The Sponsor agrees to provide documentation by calendar year of monthly rents collected and occupancy by month and unit for each Housing Development provided that the identity of tenants remains anonymous. Units shall be identified by efficiency, one-bedroom, two-bedroom and three-bedroom designations.

The Township shall be responsible for the distribution of the service charges in lieu of taxes to the several taxing units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year or as otherwise provided in the Act.

**Section 159.10. Duration**

It is the intent of the Township and Sponsor that this Ordinance shall remain in effect and shall not terminate so long as the Housing Development shall remain subject to income and use

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restrictions imposed by HUD or Section 42 of the LIHTC program or MSHDA. The Township further reserves the right to repeal this Ordinance in accordance with the Act.

It is further the intent of the Parties that in the event Housing Development is sold, transferred, or refinanced by the Sponsor or a related entity of the Sponsor, this Ordinance shall remain in full force and effect and without further action by the Sponsor or the Township to otherwise change, alter or amend this Ordinance.

**Section 159.11. Severability**

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to unconstitutional or invalid.

**Section 159.12. Effective Date**

The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective as of the date of final publication of the Ordinance and shall apply commencing with the 2016 tax year.

This Ordinance was duly adopted by the Charter Superior of Township Board at its regular meeting called and held for first reading on the 29 day of November, 2016, and was ordered given publication in the manner required by law.

**BE IT FURTHER RESOLVED** that the Supervisor and Clerk are authorized to execute any document necessary to carry this resolution into effect.

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Kenneth Schwartz  
Supervisor

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Lynette Findley  
Clerk

**CERTIFICATE**

I, Lynette Findley, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Superior Charter Township Ordinance No. 159 which was duly adopted by the Township Board of the Charter Township of Superior at a Special Meeting of said Board, held on November 29, 2016 after said Ordinance had previously been introduced at a Regular Meeting of the Board held November 21, 2016 and published in the form it was introduced in accordance with P.A 359 of 1947, as amended.

I further certify that Member McKinney moved for adoption of said Ordinance, and that Member Lewis supported said Motion. I further certify that it was adopted unanimously.

Dated: November 29, 2016

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Lynette Findley  
Clerk

Roll call vote:

Ayes: McKinney, Schwartz, Williams, Green, Lewis, Findley

Nays: None

Absent: Caviston

The resolution carried by unanimous vote.

**I. SECURITY SERVICE AGREEMENT**

Supervisor Schwartz stated the contract with LDHA to pay for 53% of a Deputy and increasing our charges. This should be made conditional based on Ordinance 159.

It was moved by Green, supported by Lewis to accept the Security Service Agreement contingent with Ordinance #159.

**SECURITY SERVICES AGREEMENT**

THIS SECURITY SERVICES AGREEMENT is made effective as of December 9, 2016 between and among Superior Charter Township, Washtenaw County, Michigan (the "Township"); Danbury Limited Dividend Housing Association LLC, its successor and assigns (the "Danbury LDHA") and the Washtenaw County Sherriff's Department ("WCSD").

**RECITIALS**

WHEREAS, the Township first contracted with Danbury Park Manor ("Danbury"), a federally assisted multifamily housing property located in the Township (herein referred to as "Property" or "Danbury" as the context may require), effective January 1, 1992, to arrange with WCSD to provide certain specialized law enforcement services to the Property ("Original Agreement"), which was extended and amended by First Amendment dated July 1, 1993; and

WHEREAS, the Original Agreement provided for the assignment of a WCSD deputy sheriff ("Deputy") to patrol the Property; and

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WHEREAS, the term of the Original Agreement covered a twelve month period starting January 1, 2002 and ending December 31, 2002 and later was extended indefinitely until otherwise extended, terminated or changed; and

WHEREAS, Danbury LDHA will purchase the Property and wishes to enter into a new Security Services Agreement with the Township and WCSD.

NOW THEREFORE, inconsideration of the mutual promises and covenants hereinafter set forth, it is mutually agreed as follows:

1. Deputy. The Township will supply the services of part-time Deputy to Danbury under the terms and conditions set forth herein.

2. Term of Agreement. This Agreement shall expire at the end of each calendar year, provided, however, that the term shall automatically renew at the end of each calendar year unless terminated by either:

- a. The mutual agreement of the Parties hereto, or
- b. The Township, by providing Danbury LDHA written notice of intent to terminate by no later than December 1<sup>st</sup>

3. Costs. The Township will charge Danbury 52.30% of the annual cost charged by the WCSD to the Township for a full time Deputy (for 2016 the annual cost is \$158,276 which at 52.30% equates to an annual payment of \$82,778). This cost will be payable in 12 equal monthly payments. The Township shall promptly notify Danbury of any costs increases imposed by the WCSD.

4. Overtime Charges. Further, the Township will charge Danbury for overtime costs incurred by the Township for police services rendered by the WCSD which are directly attributable to police services for or on behalf of the Property and approved in writing by the Property.

5. Scheduling, Danbury shall be entitled to participate in the planning of the Deputy's patrols to meet the needs of the Property. Currently, it is Danbury's preference to utilize a significant portion of the Deputy's hours during evenings and on weekends. Should either the Township or Danbury wish to change the schedule, a joint meeting will be conducted to coordinate a mutually agreed upon schedule.

6. Reporting and Coordination. To ensure effective communications and coordination among WCSD staff, the Property and the Township and to assist in evaluating the cost and benefits of the Deputy and Special Operations programs:

- a. The Deputy will meet with Danbury at such times and at such location as is mutually agreed by the parties, and will generally make daily visits

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to Danbury offices unless other mutually agreed arrangements are made such as telephone calls.

b. The Township will cause WCSD to prepare and submit to Danbury a monthly narrative written activity reports with copies to the Township describing (1) the activities of the Deputy and specifically accounting for overtime charges incurred by the Township which are claimed to be directly attributable to the Property; and (2) reporting on any noteworthy security incidents encountered on any property during the preceding month. Specific incident details will be provided in narrative format during office visits.

c. Should Danbury dispute any Overtime Charges or if such charges are not adequately detailed by the Township (the Disputed Charges"), Danbury may withhold payment for the Disputed Charges and all subsequent Overtime Charges until such time as the Township and Danbury meet and resolve the Disputed Charges.

7. Payment Schedule. Payments by Danbury will be due to the Township within 30 days of invoice by the Township on a monthly or quarterly basis at the convenience of the Township, with each invoice covering the services provided subsequent to the previous invoice date.

8. Stipulated Caveat. It is expressly intended and understood that the services of the Deputy are designed to supplement and increase the level of law enforcement service that otherwise would be available for Danbury. Apart from and outside the scope of this agreement, the Property and their residents already have the right of full access to 24 hour, seven days per week, WCSD police protection provided by Township contract with the WCSD on the same basis as all other tax payers and are entitled to access these services as tax paying citizens of the County. Response priority decisions to "911" service calls will be made by WCSD in accordance with usual law enforcement guidelines.

9. **Limitations on Service.** It is also understood and agreed that the Township and WCSD's ability to provide dedicated special law enforcement to the Property is limited by (1) the terms of the Township's contract with the WCSD; (2) the funding and availability of police manpower assigned to the Township's contract with the WCSD; and (3) the funding and availability of police manpower assigned to the Township at large. Therefore, the purpose of this security Agreement is to enable the Township to contract for and to provide the additional law enforcement services contemplated herein that otherwise would be financially unfeasible for the Township.

10. **Entire Agreement.** This Security Agreement represents the entire agreement among the parties and supersedes and voids any and all prior agreements



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and understandings, provided, however, that the Agreement covering, but not limited to, such matters as insurance and individual liabilities will continue to apply. These agreements may only be amended by written instruments executed by the parties hereto.

IN WITNESS WHEREOF, the Township, Danbury the WCSD have executed this agreement to be effective \_\_\_\_\_.

DANBURY LIMITED DIVIDEND  
HOUSING ASSOCIATION LLC

Date signed: \_\_\_\_\_, 2016

\_\_\_\_\_

By:

Its:

CHARTER TOWNSHIP OF SUPERIOR

Date signed: \_\_\_\_\_, 2016

\_\_\_\_\_

By: Kenneth Schwartz

Its: Supervisor

WASHTENAW COUNTY  
SHERIFF DEPARTMENT

Date signed: \_\_\_\_\_, 2016

\_\_\_\_\_

By:

Its:

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**J. PROPOSAL for ENGINEERING SERVICES for DEMOLITION of GEDDES ROAD BOOSTER STATION**

Supervisor Schwartz stated this was a priority when we completed the Five Year Capital Improvement Plan in 2014. It is constantly tagged with graffiti and community members have expressed concerns.

Motion was moved by Green, supported by McKinney.

The motion carried by unanimous vote.

**K. APPOINTMENTS**

Supervisor Schwartz nominated the following for Zoning Board of Appeals:

John Rintamaki  
Daniel Deeds  
Douglas Dail

The following motion was moved by McKinney, supported by Green.

The motion carried by unanimous vote.

**L. A RESOLUTION TO ACCEPT BID FROM UTILITY DEPARTMENT for ROOF REPAIR to UTILITY MAINTENANCE FACILITY**

Supervisor Schwartz stated this is to authorize Kleinschmidt, Inc. repair the defective roof at the Utility Maintenance Facility.

The following resolution was moved by McKinney, supported by Lewis.

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**WHEREAS**, the Utility Maintenance facility has defective roof and needs to be repaired: and,

**WHEREAS**, the roof is currently leaking and in need of repair and replacement; and,

**WHEREAS**, the utility director has solicited three proposals;

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**NOW THEREFORE, BE IT RESOLVED** that the Superior Township Board of Trustees hereby approves Klineschmidt to repair and replace the roof at the utility maintenance facility, and authorizes the Supervisor to execute any necessary documents

The motion carried by unanimous vote.

**12. BILLS for PAYMENT and RECORD of DISBURSEMENTS**

It was moved by Lewis, supported by Lewis to receive bills for payment and record of disbursements.

The motion carried by unanimous vote.

**13. PLEAS and PETITIONS**

- Park Commissioner Sandy Lopez invited us all to the Tree Lighting Ceremony to be held on Saturday, December 3, at 6:00 p.m. at Superior Township Hall. She will get the invite up on our website and will go door to door at Sycamore and Danbury.
- Supervisor Schwartz stated Richard Mitchell, architect representing the Ann Arbor School District, is considering opening Freeman School in Dixboro to serve as an elementary school.

**14. ADJOURNMENT**

It was moved by McKinney, supported by Lewis that the meeting be adjourned. The motion carried and the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Lynette Findley, Clerk

Kenneth Schwartz, Supervisor