

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
SEPTEMBER 17, 2018
ADOPTED MINUTES
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1. CALL TO ORDER

The regular meeting of the Charter Township of Superior Board was called to order by the Supervisor Ken Schwartz at 7:00 p.m. September 17, 2018 at the Superior Township Hall, 3040 North Prospect, Superior Township, 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, Brenda McKinney, Meghan Winslow, Lynette Findley, Lisa Lewis, Alex Williams, and Nancy Caviston.

4. ADOPTION OF AGENDA

It was moved by McKinney, supported by Lewis, to adopt the agenda as presented.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF AUGUST 20, 2018

It was moved by Caviston, supported by Lewis, to approve the minutes of the regular board meeting of August 20, 2018.

The motion carried by unanimous vote.

6. CITIZEN PARTICIPATION

- Ellen Kurath inquired about the lack of a ditch on the north side of Geddes Road between Gale and Hickman Roads.
- Tom Bourque, a candidate for the 14A District Court, introduced himself to the board. He has been practicing law for 37 years.
- Jerome and Shakira Gibbs are land owners in the township. They expressed an interest in having a cannabis business in the township under the guidelines of the Medical Marihuana Facilities Licensing Act (MMFLA).

7. PRESENTATIONS AND PUBLIC HEARINGS

None

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8. REPORTS

A. SUPERVISOR REPORT

Supervisor Schwartz reported on the following:

- The litigation with Susan Mumm v. Superior Township is going to a settlement conference on September 26. If the case is not settled it will go to trial on October 1.
- Superior Farm and Garden at Prospect and Geddes is open for business. They have partnered with a company that does saw milling of urban trees that have died or been knocked down during storms. They have different sized planks for sale that consist of black walnut, oak, maple, and hickory.
- Pinnacle Homes has purchased 12 lots from Beazer Homes at Berkshire and Prospect Roads. The estimated price point is \$375,000.
- Woodside, previously owned by Lombardo Homes, was sold to Infinity Homes. They have pulled three building permits. They have sold two lots and are installing a model home. The estimated starting price point is \$190,000-\$225,000.
- Golfside Estates is completing the environmental work on the site. The estimated price point is \$200,000.
- Prospect Pointe West has revamped their site plan. They will now only have one phase instead of four phases. They will begin building in the spring. The estimated starting price point is \$325,000-330,000.
- Dixboro House has received all of the permits that they need from the township with the exception of the building permits. They are still waiting on a resolution with the Washtenaw County Road Commission (WCRC) and the Washtenaw County Water Resources Commission (WCWRC).
- The administrative staff has had several meetings with Republic Waste over the last month regarding the poor level of service the township residents have received. The supervisor put Republic on notice that the township is viewing the poor service as a breach of contract. The service has somewhat improved since the meetings.
- Drainage culverts were installed on Warren Road two weeks ago.
- The township will be receiving 2000 tons of limestone that will be applied to township roads.
- A drainage project was completed on Vreeland Road between Gale and Hickman Roads.
- One last dust control application will be applied to the roads in the township in the next 30 days.

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

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

The motion carried by unanimous vote.

9. COMMUNICATIONS

None

10. UNFINISHED BUSINESS

None

11. NEW BUSINESS

A. RESOLUTION 2018-27, APPROVE CONTRACT WITH WASHTENAW COUNTY FOR POLICE SERVICE, 2019-2022

It was moved by Lewis, supported by Findley, to approve the contract with Washtenaw County for police service, 2019-2022.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION TO APPROVE THE POLICE
SERVICES CONTRACT WITH WASHTENAW COUNTY**

Resolution Number 2018-27

Date: September 17, 2018

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 17th day of September, 2018, the following resolution was offered.

WHEREAS, the Superior Township Board of Trustees is authorized by statute to enter into a contract with Washtenaw County for the provisioning of Police Services; and,

WHEREAS, Superior Township Board of Trustees entered into an amended contract with Washtenaw County for the provisioning of Police Services in 2017; and,

WHEREAS, Washtenaw County now proposes to amend the contract for police services through 12/31/22 upon the following terms:

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Amend ARTICLE II – COMPENSATION AND OVERTIME to extend the contract as follows:

*\$160,650.00 per PSU for 2019,
\$160,650.00 per PSU for 2020,
\$163,060.00 per PSU for 2021 and
\$165,506.00 per PSU for 2022.*

Amend ARTICLE V – TERM to extend the contract as follows:

The term of this contract shall be for seventy-two months with an effective date of January 1, 2012 and ending on December 31, 2022.

All other terms remain in full force and effect.

NOW, THEREFORE BE IT RESOLVED that the Superior Charter Township Board does hereby approve the contract amendment with the Washtenaw County as attached hereto, and authorizes the Supervisor to execute the same on behalf of the Township.

CERTIFICATION STATEMENT

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 September 17, 2018 and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

Lynette Findley, Township Clerk

Date Certified

Roll call:

Ayes: McKinney, Findley, Lewis, Winslow, Caviston, Schwartz, Williams

Nays: None

The motion carried by unanimous vote.

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B. RESOLUTION 2018-28, APPROVE CONTRACT WITH WASHTENAW COUNTY FOR ANIMAL CONTROL, 2018-2019

The county is obligated to provide animal control services for any municipality in the county that has an animal control ordinance.

It was moved by Caviston, supported by Williams, to approve the contract with Washtenaw County for Animal Control, 2018-2019 in the amount of \$10,000.

**CONTRACT
Superior Charter Township
Resolution 2018-28
Date: September 17, 2018**

AGREEMENT is made this 1st day of **September**, 2018, by the **SUPERIOR CHARTER TOWNSHIP**("Township") located at **3040 North Prospect, Ypsilanti, Michigan 48198** and the COUNTY OF WASHTENAW, a municipal corporation, with offices located in the County Administration Building, 220 North Main Street, Ann Arbor, Michigan 48107("County").

In consideration of the promises below, the parties mutually agree as follows:

ARTICLE I - SCOPE OF SERVICES

WHEREAS, under Michigan law, a county is responsible for undertaking certain animal control duties, including the holding of stray dogs under the Dog Law of 1919, (MCLA 287.261 et seq), impounded animals held for a variety of reasons, including dog bites and animal cruelty or animals ordered by a court to be held as part of a legal proceeding; and

WHEREAS, for many years, Washtenaw County has contracted with the Humane Society of Huron Valley ("HSHV") to provide these animal control services; and

WHEREAS, for the past four years, those local governmental entities within Washtenaw County which maintain their animal control ordinances and use HSHV to fulfill their ordinance responsibilities have been paying a portion of those HSHV costs; and

WHEREAS, HSHV has maintained that it would like to recoup its costs and expenses incurred in providing animal control services to the County and the local governmental entities that use its services; and

WHEREAS, under the proposed contract, the County would act as the lead governmental entity responsible to make the monthly contractual payments to HSHV and insuring that the local governmental entities pay for their use of HSHV services;

ARTICLE II - COMPENSATION

Upon completion of the above services and submission of invoices the **Superior Charter Township** will pay the COUNTY an amount not to exceed **ten thousand (\$10,000 dollars.)**

ARTICLE III - TERM

This contract is for a one year term beginning September 1st, 2018

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ARTICLE IV - EQUAL EMPLOYMENT OPPORTUNITY

The County will not discriminate against any employee or applicant for employment because of race, creed, color, sex, sexual orientation, national origin, physical handicap, age, height, weight, marital status, veteran status, religion and political belief (except as it relates to a bona fide occupational qualification reasonably necessary to the normal operation of the business).

The County will take affirmative action to eliminate discrimination based on sex, race, or a handicap in the hiring of applicant and the treatment of employees. Affirmative action will include, but not be limited to: Employment; upgrading, demotion or transfer; recruitment advertisement; layoff or termination; rates of pay or other forms of compensation; selection for training, including apprenticeship.

The County agrees to post notices containing this policy against discrimination in conspicuous places available to applicants for employment and employees. All solicitations or advertisements for employees, placed by or on the behalf of the County, will state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, sexual orientation, national origin, physical handicap, age, height, weight, marital status, veteran status, religion and political belief.

ARTICLE V - EQUAL ACCESS

The County shall provide the services set forth in Article I without discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, physical handicap, or age.

ARTICLE VI - ASSIGNS AND
SUCCESSORS

This contract is binding on the **Township** and the County, their successors and assigns. Neither the County nor the **Township** will assign or transfer its interest in this contract without the written consent of the other.

ARTICLE VII - TERMINATION OF CONTRACT

Section 1 - Termination without cause. Either party may terminate the contract by giving thirty (30) days written notice to the other party.

ARTICLE VIII - CHANGES IN SCOPE OR SCHEDULE OF SERVICES

Changes mutually agreed upon by the **Township** and the County, will be incorporated into this contract by written amendments signed by both parties.

ARTICLE IX - CHOICE OF LAW AND FORUM

This contract is to be interpreted by the laws of Michigan. The parties agree that the proper forum for litigation arising out of this contract is in Washtenaw County, Michigan.

ARTICLE X - EXTENT OF CONTRACT

This contract represents the entire agreement between the parties and supersedes all prior representations, negotiations or agreements whether written or oral.

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ARTICLE XI – ELECTRONIC SIGNATURES

All parties to this contract agree that either electronic or handwritten signatures are acceptable to execute this agreement.

ATTESTED TO: WASHTENAW COUNTY

By: _____ By: _____
Lawrence Kestenbaum (DATE) Gregory Dill
(DATE) County Clerk/Register
County Administrator

APPROVED AS TO FORM: SUPERIOR CHARTER TOWNSHIP

By: _____ By: _____
Curtis N. Hedger (DATE) Kenneth Schwartz
(DATE) Office of Corporation Counsel
Supervisor

CERTIFICATION STATEMENT

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 September 17, 2018 and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

Lynette Findley, Township Clerk Date Certified

Roll call:
Ayes: Findley, Lewis, Winslow, Caviston, Schwartz, Williams
Nays: McKinney

The motion carried by a majority vote.

C. RESOLUTION 2018-29, REFER TO PLANNING COMMISSION THE TASK OF DRAFTING AN ORDINANCE UNDER THE MICHIGAN MARIHUANA FACILITIES ACT (MMFLA)

It was moved by Williams, supported by Caviston, to approve the referral to planning commission the task of drafting an ordinance under the Michigan Marihuana Facilities Act (MMFLA).

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION TO REFER TO THE PLANNING COMMISSION THE TASK OF
DRAFTING AN ORDINANCE TO REGULATE THE GROWING, PROCESSING,
TESTING AND TRANSPORTATION OF MARIJUANA PURSUANT TO THE
MICHIGAN MARIJUANA FACILITIES LICENSING ACT – (ACT 281 OF 2016)**

Resolution Number 2018-29

Date: September 17, 2018

WHEREAS, the Charter Township of Superior Board of Trustees has been inundated with requests to “opt in” into the licensing of marijuana facilities by residents of the township, and,

WHEREAS, the Superior Township staff has devoted many hours each week fielding questions from residents and non-residents alike as to the township’s position on Public Act 281 of 2016; and,

WHEREAS, on March 16, 2018, the Superior Township Board of Trustees held a special meeting to receive public input on the question, and the overwhelming majority of the public requested the board to “opt in” ; and,

WHEREAS, this is a public question which needs to be resolved either in favor of instructing the planning commission to investigate the issue and to draft a proposed ordinance(s) for the board’s consideration or to do nothing which will have the effect of “opting out”; and,

WHEREAS, passing this resolution, and tasking the planning commission to review the facts and law, and to receive additional public input, and to draft proposed ordinance(s) does not bind the board into adopting any ordinance at a later date; and,

WHEREAS, the township attorney, the township planners and other paid consultants will be necessary to aid the planning commission in drafting a proposed ordinance(s).

NOW, THEREFORE BE IT RESOLVED that the Superior Township Board of Trustees hereby refers to the Superior Township Planning Commission the task of drafting ordinance(s) to regulate the licensing of marijuana facilities in Superior Township in all respects except dispensaries.

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IT IS FURTHER RESOLVED THAT the planning commission shall determine whether it is advisable to hold a joint special meeting of the township board and the planning commission.

IT IS FURTHER RESOLVED THAT the board shall establish a fifteen thousand dollar (\$15,000.00) budget to pay for the expenses of the investigation and other incidental costs.

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Lynette Findley, Township Clerk

Date Certified

Roll call:

Ayes: Williams, Findley, Schwartz, McKinney, Winslow, Caviston, Lewis

Nays: None

The motion carried by unanimous vote.

D. RESOLUTION 2018-30, SALARY INCREASE FOR ELECTION WORKERS

The township is in need of election inspectors and with the pay increase, that will be more on par with surrounding communities, the township hopes to attract workers.

It was moved by McKinney, supported by Lewis, to approve the salary increase for election workers.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION TO INCREASE THE SALARIES FOR SUPERIOR TOWNSHIP
ELECTION WORKERS**

Resolution Number: 2018-30

Date: September 17, 2018

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WHEREAS, as required by law, the Clerk of the Charter Township of Superior Township is responsible to conduct elections; and,

WHEREAS, in order to properly conduct elections it is essential to hire qualified and competent election workers; and,

WHEREAS, election workers in Superior Township are currently paid \$11.00 per hour, co-chairs are paid \$12.00 and chairpersons are paid \$13.00 per hour; and,

WHEREAS, the Clerk of Superior Township has surveyed other communities in the area and determined the proposed salary increase is commensurate with what other communities are already paying their election workers; and,

WHEREAS, since the enactment of the election consolidation law (PA 298 of 2003), there are fewer elections per year, which results in reduced annual salary costs to conduct elections; and,

WHEREAS, salaries for election workers are funded by GL 101-191-702.037, which was budgeted for \$24,000.00 for FY2018 and to date, about \$10,215.00 has been expended from this activity; and,

NOW THEREFORE BE IT RESOLVED, that the Superior Township Board of Trustees hereby approves increasing the salaries to \$13.00 per hour for an election worker, \$14.00 per hour for a co-chair and \$15.00 per hour for a chairperson, effective immediately.

CERTIFICATION STATEMENT

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Lynette Findley, Township Clerk

Date Certified

Roll call:

Ayes: Lewis, Schwartz, McKinney, Findley, Williams, Winslow, Caviston

Nays: None

The motion carried by unanimous vote.

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E. RESOLUTION 2018-31, 2018 YCUA WATER RATE INCREASE

YCUA sent the township notice that there would be an increase in water rates effective October 1, 2018.

It was moved by McKinney, supported by Findley, to approve the water rate increase.

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION AMENDING THE RATES, FEES AND CHARGES RELATED TO
WATER SERVICES PROVIDED BY THE TOWNSHIP'S UTILITY DEPARTMENT**

Resolution Number: 2018-31

Date: September 17, 2018

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 17th of September 2018, at 7:00 p.m. Eastern Standard Time, the following resolution was offered by McKinney, supported by Findley.

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

WHEREAS, the Ypsilanti Community Utilities Authority has increased the charge for water by 2.86%, and,

WHEREAS, the Superior Charter Township Utility Fund may not operate at a deficit, and,

WHEREAS, after an analysis of the effect of the new charges for water, it was determined that it would be adequate to increase our water rates by 2.82%, and,

WHEREAS, this board finds that the amended proposed schedule of fees is reasonable and necessary for the continuing operations of the township utility system and consistent with the past practices and policies of the township; and,

NOW, THEREFORE BE IT RESOLVED that the Superior Charter Township Board does hereby determine that the fees for services and benefits furnished by the township's water systems shall be amended per the attached Schedule A; and,

BE IT FURTHER RESOLVED that this resolution and attached schedule shall be published pursuant to Section 8 of the Charter Township Act being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti 48198 and on the Township website –

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www.superiortownship.org – with notice of such in *The Ann Arbor News*, a newspaper of general circulation in the township qualified under state law to publish legal notices, said rate changes shall be effective immediately upon publication thereof.

CERTIFICATION STATEMENT

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Lynette Findley, Township Clerk

Date Certified

Roll call:

Ayes: Caviston, Williams, Winslow, Lewis, Findley, McKinney, Schwartz

Nays: None

The motion carried by unanimous vote.

F. RESOLUTION 2018-32, UTILITY CLERK HIRE

It was moved by McKinney, supported by Lewis, to approve the hire of a part-time utility clerk.

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

A RESOLUTION TO HIRE A UTILITY CLERK

Resolution Number: 2018-32

Date: September 17, 2018

WHEREAS, the Superior Township Utility Department (STUD) has a permanent part time clerk vacancy; and,

WHEREAS, Landis Smith was hired to perform the clerk duties as set forth by the utility administrator and has performed the duties brilliantly.

NOW, THEREFORE BE IT RESOLVED the Superior Township Board hereby approves hiring Landis Smith as permanent part time utility clerk at the wage of \$19.00 per hour for 20 hours per week.

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Lynette Findley, Township Clerk

Date Certified

The motion carried by unanimous vote.

G. CULLIGAN WATER FILTRATION SYSTEM TO IMPROVE QUALITY OF SUPERIOR TOWNSHIP HALL BUILDING WELL WATER

A water analysis at township hall resulted in findings that there are high levels of manganese, arsenic and lead in the water. The water is not safe to drink, wash or cook with.

It was moved by Lewis, supported by McKinney, to approve the purchase of a Culligan Water Filtration System to improve the quality of Superior Township Hall building well water in an amount not to exceed \$3,913.00.

The motion carried by unanimous vote.

H. SOUTHEAST MICHIGAN COUNCIL OF GOVERNMENTS (SEMCOG) DUES JULY 15, 2018 – JULY 15, 2019

It was moved by McKinney, supported by Lewis, to approve the payment of the Southeast Michigan Council of Governments (SEMCOG) Dues in the amount of \$1,599.00.

The motion carried by unanimous vote.

I. 2019 BUDGETS AND TRUTH-IN-TAXATION HEARING SCHEDULED FOR OCTOBER 15, 2018

It was moved by Caviston, supported by Lewis, to approve the 2019 Budgets and Truth-in-Taxation hearing for October 15, 2018.

The motion carried by unanimous vote.

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J. DISPOSITION OF TRAILER JET TO MR. ROOT OUT

It was moved by Lewis, supported by Caviston, to approve the sale of the utility department trailer jet to Mr. Root Out in the amount of \$5,000.00.

The motion carried by unanimous vote.

12. BILLS for PAYMENT and RECORD of DISBURSEMENTS

It was moved by McKinney, supported by Lewis, to receive bills for payment and record of disbursements in the amount of \$605,485.22.

The motion carried by unanimous vote.

13. PLEAS and PETITIONS

- Mary Burton's evaluation will be brought to the board at the October 15 board of trustees meeting.

14. ADJOURNMENT

It was moved by Schwartz, supported by McKinney to adjourn the meeting. The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Lynette Findley, Clerk

Kenneth Schwartz, Supervisor