

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
JULY 19, 2021  
ADOPTED MINUTES  
PAGE 1**

**1. CALL TO ORDER**

The regular meeting of the Charter Township of Superior Board was called to order by the Supervisor Ken Schwartz at 7:05 p.m. on July 19, 2021, on a Zoom Virtual Board Meeting. Supervisor Schwartz read a script required by the Open Meetings Act.

**2. PLEDGE OF ALLEGIANCE**

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

**3. ROLL CALL**

The members present were Supervisor Ken Schwartz, Clerk Lynette Findley, Treasurer Brenda McKinney, Trustee Nancy Caviston, Trustee Lisa Lewis, Trustee Bernice Lindke, and Trustee Rhonda McGill were all present in Superior Township.

Absent: None

**4. ADOPTION OF AGENDA**

It was moved by Trustee McGill supported by Trustee Lindke, to adopt the agenda.

The motion carried by unanimous vote.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF JUNE 21, 2021**

It was moved by Trustee Caviston supported by Trustee McGill, to approve the minutes of the regular Board meeting of June 21, 2021, as presented.

The motion carried by unanimous vote.

**6. CITIZEN PARTICIPATION**

**A. CITIZEN COMMENTS**

Supervisor Schwartz read a script required by the Open Meetings Act regarding Public Comment and/or Public Hearing.

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- Lisa Hoening, Director of Ypsilanti District Library, 931 Stamford Rd. wanted to let the Board of Trustees know she is present during the meeting for any questions regarding the new business item for the library. Lisa also thanked the Board for their support in the new library project on Harris Rd. The library is currently in a capital campaign due to the project's budget increasing because of Covid-19. Bill and Vivian Young, residents of Superior Township are matching all donations up to \$100,000.00, two to one, if they are made before July 31, 2021. The library has raised around \$65,000.00 so far.
- Brenda Baker, 8512 Ashton Ct, asked how many citizens are in attendance during the Zoom Virtual Board Meeting. There are thirteen citizens present.
- Jack Smiley, Cherry Hill Rd., thanked the Board for the outcome of the Salem Sewer lawsuit. He mentions some concerns with the Eyde and Rock property in the Township. He would like the Township to purchase the development rights of the Rock property through federal funding to protect it. The Eyde property has submitted an area plan to development north and south of Geddes Rd. Jack wishes any decisions could be delayed until the Master Plan Review. He would like the Board to continue to protect the agricultural land in the Township according to the Master Plan.

**7. PRESENTATIONS AND PUBLIC HEARINGS**

**A. MATT SCHUSTER, TOWNSHIP RESIDENT: CONFORMANCE CONCERNS WITH ZONING ORDINANCE 174 OR TOWNSHIP ORDINANCE 163**

- Matt Schuster mentioned being on the August agenda regarding an appeal of the private road ordinance. He comments about his concerns with development regulations in the Township which impact the way of life for Township residents. Mr. Schuster mentioned following the efforts of different developments and the efforts to control development in the Township for quite some time. Currently, his concerns are with the development in his backyard. He has concerns with certain zoning ordinance enforcement trajectories. He was pleased with the Salem sewer lawsuit outcome and the efforts of the Township to defend the Master Plan and controlling development. Mr. Schuster comments on his concerns regarding the Wetland Administrator acknowledging the unpermitted fill existing on a Township parcel that is in violation of the permit which was granted. The parcel has over three acres of protected wetlands per Township ordinance and Environment, Great Lake & Energy (EGLE). Mr. Schuster understands the Township Wetland Administrator said there was fill which needed to be removed and has not been taken care of. There has been significant earth moving, filling, grating, redirecting of storm water on the adjacent parcel to Mr. Schuster which is currently overflowing into the wetland. There is mismanaged silt fencing and fill

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activities which are depositing soil into the protected Township and EGLE wetlands that is continuous with the Huron River. Mr. Schuster is aware of a stop work order issued to his neighbor from the Washtenaw County Soil and Erosion Control for non-permitted work done. He wanted to let the Board know of this. The specific item has been pushed to the next agenda. Mr. Schuster invites the Board to visit his property to see the activities he is concerned about.

- Supervisor Schwartz made a statement on behalf of the Board. Carlisle & Wortman our Wetland consultant did find a few violations and sent them to the County who put out the stop work order. They were minor violations. Supervisor Schwartz stated he is disappointed with Mr. Schuster's future neighbor due to the approach he has taken to develop this property. The Township's single-family dwelling does not require a site plan, but this kind of parcel should have had a plot plan. Due to these circumstances, the Township is going to consider a special zoning district in the Master Plan for developments on the Huron River Watershed. Supervisor Schwartz voiced his concerns with the development on Mr. Schuster's adjacent property. The builder has told Rick Mayernik, Building & Zoning Official, he will be bringing in a permit soon, but has not done so. Supervisor Schwartz would like the Moulriere's (the owners of this property) to submit a permit soon or the Board could declare a nuisance to this property and pursue litigation.
- Clerk Findley voiced her opinion on not totally agreeing with Supervisor Schwartz.
- Supervisor Schwartz stated that this is his opinion.
- Trustee Lindke stated she would like to learn more about this so she could act responsibly.
- Mr. Schuster understands there are no Board discussions being made at this meeting. Mr. Schuster states his goal is to merely share information. These activities have not been permitted through the Township. The Zoning ordinances and conformances are not being followed according to Mr. Schuster.
- Clerk Findley stated she weighs heavily on Mr. Mayernik's recommendations, and he is the expert.

**B. PFEFFER, HANNIFORD AND PALKA, CPA'S FY 2020 AUDIT**

- Ken Palka praised the Township staff for assisting with the audit. He presented the audit documents during the meeting. Mr. Palka explained most Township's this size do not have a staff member that is able to fully write the financial

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statements which is a weakness for the Township but is a decision of a cost benefit. The auditors go ahead and write the financial statements. The state understands this, and it is completely normal.

- Mr. Palka explained some instances where money was not dispersed in a timely manner. This has been taken care of by Treasurer McKinney. Mr. Palka is recommending that Keith Lockie, Controller, have access to Quick Books. Treasurer McKinney stated he will have access.
- Mr. Palka reviewed the financial reports for the Township. **Please see audit reports in board packet located on website.** He praised the Township for being conservative in making sure there is enough money in the bank account and comparing budgets. There was a surplus of \$625,000.00 for the year in all Township governmental funds.
- Mr. Palka reviewed the Utility Fund (water/sewer). The Township has been able to save the surplus in Reserves to save for water/sewer repairs. The Township started the year with \$5.9 million and ended the year with \$3.9 million in cash which was due to the Stamford Rd. sewer repair.
- Trustee Lindke asked about the total amount of cash in the Township's checking account on page 46 and how it relates to other municipalities. Mr. Palka stated most municipalities do not have this amount of cash on hand. Treasurer McKinney stated the banks are not paying any investment interest due to the pandemic. Treasurer McKinney mentioned meeting with the banker from Chase on the 27<sup>th</sup> of this month to discuss this. Trustee McGill asked for a clarifying question on whether Treasurer McKinney meets with the banker after every audit to decide what is invested for the next year. Treasurer McKinney stated that is correct.
- Trustee Lindke had a question about the custodial credit risk on page 47 and asked for clarification on the amount of money that is uninsured and uncollateralized. Treasurer McKinney stated we have the Township's money in the safest banks. Mr. Palka stated some banks have different programs where they will invest in other banks to spread that money out. Treasurer McKinney stated Chase used to have those accounts called sweep accounts but no longer have them.
- Trustee Lindke asked Mr. Palka about the Unassigned category on page 19. Mr. Palka explained this is fund balance that is not designated for anything. This can be used for anything that is budgeted. Trustee Lindke asked about the budgeted \$2,200.00 for Meals on Wheels on page 71 but the report does not show an actual. This amount was not spent.
- Mr. Palka presented the Power Point presentation of the audit which can be found in the board packet on the website.
- Trustee Lindke asked if there is a reserve for renovating the Township Hall. Supervisor Schwartz stated this would come from an unassigned balance. He also explained the fund for a new Fire Department station #2. The building fund is to help fund the building department. The Township may need to lower fees or hire more staff. Supervisor Schwartz explained possibly inquiring with DTE about a

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charging station in the garage and purchasing an electric vehicle for the building department.

It was moved by Clerk Findley supported by Trustee McGill, that the Superior Township Board receive the 2020 audit report as presented.

The motion carried by unanimous vote

**8. REPORTS**

• **SUPERVISOR REPORT**

Supervisor Schwartz reported on the following:

- Two weeks ago, the court entered an order dismissing all the claims against Superior Township regarding the Salem sewer lawsuit.
- No public infrastructure was damaged due to the storms and flooding on June 24, 2021. A few houses in the older subdivisions experienced flooding. One resident lost two vehicles due to the flooding. Trustee McGill informed the Board of Bromley Park Condominium residents who also experienced flooding. Trustee McGill would like the condominium association to be responsible and follow up on the maintenance requirement of having a sump pump.
- Supervisor Schwartz, Treasurer McKinney, and Clerk Findley met with Representative Dingell to do a walk through at Sycamore Meadows on Saturday to view the improvements and meet the new manager. They currently have twenty vacancies. They have pulled seventy-seven permits for central air conditioning and will hopefully have all units completed by the end of the year. The new manager, Lonetta Bentley who conducted the tour, is a Township resident and is the perfect agent for progress. Supervisor Schwartz suggested putting together a committee for Sycamore Meadows for support. Treasurer McKinney suggested not excluding Danbury Park Manor which are going 100% section 8 housing. Sycamore Meadow's new owners are improving the parking lot and adding assigned parking, so the Washtenaw County Sheriff's Department knows who is registered at each spot. They will also have guest parking.
- The roads in the Township continue to be clean specifically Wiard Road.
- Hyundai plans to put an expansion of their parking lot in and are talking about a \$50 million building expansion. This plan will have to go through the Planning Commission to amend their site plan.
- Fire Chief, two fire fighters, Supervisor Schwartz, Clerk Findley, and Treasurer McKinney formed a committee to evaluate a few fire fighters to fill the vacant position. The preferred candidate will be brought before the Board in August or September to hire.
- Draft copy of the personal handbook will hopefully be brought to the Board in August to approve.

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- Michigan Medicine will hold a vaccination clinic on August 8, 2021, at the Township property across from Sycamore Meadows and Danbury Park Manor. If residents do not want or need the vaccine, they will assist residents with signing up for health insurance. Treasurer McKinney stated there is a flier posted on the website. The manager at Sycamore Meadows will help spread the word to the residents about the clinic.

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

It was moved by Trustee Lewis supported by Trustee McGill, that the Charter Township of Superior Board receive all reports.

The motion carried by unanimous vote.

**9. COMMUNICATIONS**

None

**10. UNFINISHED BUSINESS**

None

**11. NEW BUSINESS**

**A. RESOLUTION 2021-30, CONTRACT WITH WALL STREET TOWING INC.**

Supervisor Schwartz explained this resolution is to enter a contract with Wall Street Towing Inc. for the old party store parking lot. Wall Street Towing Inc. will only tow cars that are authorized by Supervisor Schwartz or Rick Mayernik. Danbury Park Manor will be using the parking lot while their parking lot is being redone.

The following resolution was moved by Treasurer McKinney supported by Trustee McGill.

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

**RESOLUTION TO APPROVE THE CONTRACT WITH WALL STREET TOWING  
INC.**

**RESOLUTION NUMBER: 2021-30**

**DATE: JULY 19, 2021**

**WHEREAS**, the Charter Township of Superior Board has encountered problems with vehicles parking in the former party store parking lot located on 9045 MacArthur Blvd.

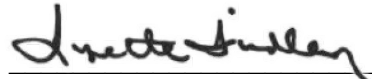
**WHEREAS**, the Board of Trustees has decided to take the initiative and contract with Wall Street Towing Inc for private property impounds.

**WHEREAS**, as stated in the contract, all services will be performed at the vehicle owner's expense. The agreement is for a three-year term which is automatically renewed unless either party gives written notice of a desire to terminate within 90 days of expiration.

**NOW, THEREFORE, BE IT RESOLVED** that the Charter Township of Superior Board of Trustees authorizes the administrative staff to execute the contract with Wall Street Towing Inc. for private property impounds at 9045 MacArthur Blvd.

**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 Charter Township of Superior Board held on July 19, 2021, 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

07/19/2021

Date Certified

**Roll Call:**

Ayes: Trustee Caviston, Clerk Findley, Trustee Lewis, Trustee Lindke, Trustee McGill, Treasurer McKinney, Supervisor Schwartz

Nays: None

Absent: None

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The resolution carried by unanimous vote.

**B. RESOLUTION 2021-31, APPROVING THE CONTRACT FOR SERVICES AND MAINTENANCE RENEWAL WITH HART INTERCIVIC**

Clerk Findley explained this is the service contract for years 6-10 on the election equipment to save \$2,247.53.

The following resolution was moved by Treasurer McKinney supported by Trustee McGill.

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

**RESOLUTION TO APPROVE THE CONTRACT FOR SERVICES AND  
MAINTENANCE RENEWAL WITH HART INTERCIVIC**

**RESOLUTION NUMBER: 2021-31**

**DATE: JULY 19, 2021**

**WHEREAS**, the Charter Township of Superior Board purchased seven (7) Verity Scanners (tabulators) and four (4) Verity Touch Writers in 2017.

**WHEREAS**, the Service and Maintenance renewal for years 6-10 of the original purchase of Verity equipment and software is due this next year.

**WHEREAS**, Hart InterCivic is offering an early payment discount of 10% for those customers who elect to pay the Service and Maintenance fees for years 6-10 in full before the stated date of year five which is on or before August 31, 2021.

**WHEREAS**, the contracted annual rate of the service and maintenance fee for the first Verity Scan is \$2,155.00 (\$1,939.80 with 10% discount applied) and the other six (6) Verity Scan are \$2,120.00 (\$1,908.00 with 10% discount applied) per unit for five years and for the four (4) Verity Touch Writers is \$1,900.00 (\$1,710.00 with 10% discount applied) per unit for five years.



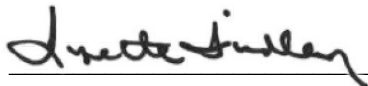
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**WHEREAS**, the total cost for seven (7) Verity Scanners is \$14,840.00 (\$13,387.80 with 10% discount applied) and for four (4) Verity Touch Writers is \$7,600.00 (\$6,840.00 with 10% discount applied) with the total amount of \$22,475.33 (\$20,227.80 with 10% discount applied).

**NOW, THEREFORE, BE IT RESOLVED** that the Charter Township of Superior Board of Trustees authorizes the administrative staff to execute the discounted contract for Service and Maintenance renewal for years 6-10 of the original purchase of Verity equipment and software in the amount of \$13,356.00 for seven (7) Verity Scanners and \$6,840.00 for four (4) Verity Touch Writers for a total amount of \$20,227.80 before August 31, 2021. The total savings would be \$2,247.53.

**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 Charter Township of Superior Board held on July 19, 2021, 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

07/19/2021

Date Certified

Roll Call:

Ayes: Trustee Caviston, Clerk Findley, Trustee Lewis, Trustee Lindke, Trustee McGill, Treasurer McKinney, Supervisor Schwartz

Nays: None

Absent: None

The resolution carried by unanimous vote.

**C. RESOLUTION 2021-32, APPROVING HARRIS ROAD WIDENING REPAYMENT AGREEMENT FOR YPSILANTI DISTRICT LIBRARY**

Supervisor Schwartz stated the Township attorney along with the administrators of the library have drafted this agreement. Due to the Township owning the property at the time, the Township have agreed advance the money for the Harris Road improvements. The Ypsilanti District Library will repay the Township in three payments with a two percent interest upon completion of the improvements. The library and Township applied for a federal grant which will be determined in October 2021 for \$225,000.00 to offset the costs. The Township can expect to receive the payments in 2023, 2024, and 2025.

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The following resolution was moved by Treasurer McKinney with the amendment of “**If paid in full before the first payment is due, the interest would be waived.**” supported by Trustee McGill.

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

**RESOLUTION TO APPROVE HARRIS ROAD WIDENING REPAYMENT  
AGREEMENT FOR YPSILANTI DISTRICT LIBRARY**

**RESOLUTION NUMBER: 2021-32**

**DATE: JULY 19, 2021**

**WHEREAS**, the YDL will build a branch library on the Donated Property according to the plans submitted to and approved by the Township.

**WHEREAS**, the YDL will reimburse the Township the following costs incurred by the Township in connection with the road improvements mandated by the WCRC;

- All costs charged by ASI
- All costs charged by OHM, less the cost charged by OHM for preliminary engineering.
- All other costs related to the road improvements mandated by the WCRC.

**WHEREAS**, when all road improvements have been accepted the WCRC, the Township and YDL will meet to settle and finalize the costs chargeable (the Reimbursable Costs) to the YDL.

**WHEREAS**, the YDL shall be responsible for maintaining the parking lot and the commercial driveway.

**WHEREAS**, the YDL agrees to repay the Township the Reimbursable Costs in three (3) three equal annual installments, at 2 percent simple interest; the payments being due on or before January 1, 2023, January 1, 2024, and January 1, 2025. **If paid in full before the first payment is due, the interest would be waived.**

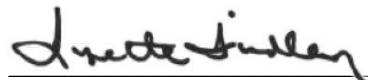
**WHEREAS**, this agreement becomes effective after adoption by both governing boards and executed in writing by the respective representatives.

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**NOW THEREFORE BE IT RESOLVED** that the Charter Township of Superior Board of Trustees hereby approves to enter into an agreement with the Ypsilanti District Library for the Harris Road widening.

**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 Charter Township of Superior Board held on July 19, 2021, 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

07/19/2021

\_\_\_\_\_  
Date Certified

Roll Call:

Ayes: Trustee Caviston, Clerk Findley, Trustee Lewis, Trustee Lindke, Trustee McGill, Treasurer McKinney, Supervisor Schwartz

Nays: None

Absent: None

The resolution carried by unanimous vote.

**D. RESOLUTION 2021-33, AUTHORIZING JULY 2021 AS PARKS & RECREATION MONTH**

Juan Bradford, Parks & Recreation Administrator, thanked the Board for allowing him to speak. He explained this is an annual resolution to recognize July as Parks & Recreation month in the Charter Township of Superior. This is done nationwide. Trustee McGill thanked Mr. Bradford for engaging with the Township residents through the Next-Door app. Supervisor Schwartz informed the Board, Mr. Bradford and he will be working on the budget. With the surplus of money in the Parks & Recreation fund the Township might be able to perform some specific projects in the next year. Mr. Bradford has marked off about half dozen dangerous trees at Community Park which will be removed. Mr. Bradford updated the Board on the tennis court project which are completed. The sidewalk project might need to be pushed to spring 2022. The trees are scheduled to be removed by mid-August. Trustee McGill would like to see some jazz concerts in the Township. Supervisor Schwartz praised Mr. Bradford for having the Dixboro Green sprayed for mosquitos before the movie a few weeks ago. Treasurer McKinney suggested using the Dixboro Green pavilion for a concert. Clerk Findley suggested partnering with the Ann Arbor Summer Festival for some concerts next year.

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The following resolution was moved by Treasurer McKinney supported by Trustee Lewis.

**CHARTER TOWNSHIP OF SUPERIOR**

**WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION AUTHORIZING JULY 2021 AS  
PARKS & RECREATION MONTH**

**RESOLUTION NUMBER: 2021-33**

**DATE: JULY 19, 2021**

**WHEREAS**, parks and recreation programs are an integral part of communities throughout this country, including the Charter Township of Superior; and

**WHEREAS**, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

**WHEREAS**, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and improve the mental and emotional health of all citizens; and

**WHEREAS**, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

**WHEREAS**, parks and recreation areas are fundamental to the environmental well-being of our community; and

**WHEREAS**, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

**WHEREAS**, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

**WHEREAS**, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

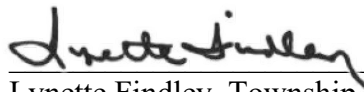
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**WHEREAS**, the Charter Township of Superior recognizes the benefits derived from parks and recreation resources

**NOW THEREFORE, BE IT RESOLVED** that the Charter Township of Superior Board of Trustees, authorizes July 2021 as Park and Recreation Month in the Charter Township of Superior.

**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 Charter Township of Superior Board held on July 19, 2021, 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

07/19/2021  
\_\_\_\_\_  
Date Certified

The resolution carried by unanimous voice vote.

**E. RESOLUTION 2021-34, APPROVING BID FOR PARKING LOT IMPROVEMENT  
WORK AT CHARTER TOWNSHIP OF SUPERIOR**

- Bid Proposal from ASI \$68,500.00
- Bid Proposal from Hutch \$72,600.00

Supervisor Schwartz informed the Board that in 2014 or 2015 the public parking lot was refinished for approximately \$90,000.00. The rear parking lot needs to be expanded due to the Washtenaw County Sheriff's Department. Supervisor Schwartz is suggesting going with the bid from ASI for \$68,500.00. He suggested using the \$3,500.00 which is the difference between the two bids to clean up some road frontage in Dixboro.

The following resolution was moved by Trustee Caviston supported by Trustee Lewis.

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

**RESOLUTION TO APPROVE BID FOR PARKING LOT IMPROVEMENT WORK AT  
CHARTER TOWNSHIP OF SUPERIOR**

**RESOLUTION NUMBER: 2021-34**

**DATE: JULY 19, 2021**

**WHEREAS**, the rear parking lot of the Charter Township of Superior Hall needs to be repaved and expanded; and

**WHEREAS**, Supervisor Schwartz has received two bids for this project.

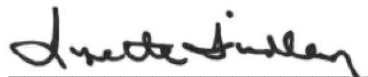
**WHEREAS**, Asphalt Specialists, Inc.'s bid is \$68,500.00 and includes 2" mill & overlay, concrete installation, removal, and replacement.

**WHEREAS**, Hutch Paving's bid is \$72,600.00 and includes 2" mill & overlay, new 4" asphalt installation, and 8" concrete package.

**NOW THEREFORE BE IT RESOLVED** that the Charter Township of Superior Board of Trustees hereby approves Asphalt Specialists, Inc to complete this project for an estimated amount of \$68,500.00.

**CERTIFICATION STATEMENT**

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Lynette Findley, Township Clerk

07/19/2021

Date Certified

Roll Call:

Ayes: Trustee Caviston, Clerk Findley, Trustee Lewis, Trustee Lindke, Trustee McGill,  
Treasurer McKinney, Supervisor Schwartz

Nays: None

Absent: None

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The resolution carried by unanimous vote.

**F. RESOLUTION 2021-35, APPROVING TO VACATE AND ABANDON A PORTION OF PROSPECT POINTE PLAT**

Supervisor Schwartz explained the proprietors are changing some of the existing plat to complete their second phase of Prospect Pointe.

The following resolution was moved by Treasurer McKinney supported by Clerk Findley.

**CHARTER TOWNSHIP OF SUPERIOR**

**WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION FOR APPROVAL TO VACATE AND ABANDON  
A PORTION OF ABIGAIL DRIVE IN PROSPECT POINTE SUBDIVISION NO. 1  
AND A PORTION OF FRANCES WAY IN PROSPECT POINTE SUBDIVISION NO. 2  
AND APPROVAL OF RELIEF SOUGHT IN LITIGATION ENTITLED  
*S.E. MICHIGAN LAND HOLDING LLC V. PROSPECT POINTE  
HOMEOWNERS ASSOCIATION, ET AL,*  
WASHTENAW COUNTY CIRCUIT COURT CASE NO. 20-000870-CH**

**RESOLUTION NUMBER: 2021-35**

**DATE: JULY 19, 2021**

**WHEREAS**, Superior Charter Township is a Michigan municipal corporation that provides public services to residents of Superior Charter Township.

**WHEREAS**, the Township Board has the authority to approve the vacation and abandonment of roads within the Township.

**WHEREAS**, S.E. Michigan Land Holding LLC (“SEMLH”) has filed a Complaint in the Washtenaw County Circuit Court, Case No. 20-000870-CH (“Lawsuit”), of which Superior Township has been named as a party as required by MCL 560.224a(1)(b). In the Lawsuit, SEMLH has requested the vacation of that portion of Abigail Drive between Lots 1 and 86 of Prospect Pointe Subdivision No. 1 (“Abigail Drive Vacation”), and the vacation of that portion of Frances Way to the east of Lot 199 of Prospect Pointe Subdivision No. 2 and to the west of Logan Park of Prospect Pointe Subdivision No. 1 (“Frances Way Vacation”), Superior Township, Washtenaw County, Michigan.

**WHEREAS**, SEMLH is also the owner of Lot 1 of the Plat of Prospect Pointe 1 and the owner of Lot 199 of the Plat of Prospect Pointe 2.

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**WHEREAS**, pursuant to the Land Division Act, MCL 560.221, *et seq.*, SEMLH has named all appropriate parties to the Lawsuit, including all of the property owners in the Plat of Prospect Pointe Subdivision No. 1 (“Plat of Prospect Pointe 1”) and in the Plat of Prospect Pointe Subdivision No. 2 (“Plat of Prospect Pointe 2”). None of the defendants in the Lawsuit have objected to such vacation, revision or amendment.

**WHEREAS**, SEMLH is the owner of property consisting of approximately 67.36 acres located in Superior Township, Washtenaw County, Michigan (Parcel I.D. No. J-10-33-100-004) (“Property”). SEMLH’s Property is located to the west of the Plat of Prospect Pointe Subdivision No. 1 (“Plat of Prospect Pointe 1”). The Property is also located to the west and south of the Plat of Prospect Pointe Subdivision No. 2 (“Plat of Prospect Pointe 2”).

**WHEREAS**, SEMLH intends to develop the Property as a multi-phased single-family residential development known as Prospect Pointe West (“Project”).

**WHEREAS**, in connection with preliminary reviews of the Project by the Washtenaw County Road Commission (“Road Commission”), the Road Commission required that the Project roads as well as the Abigail Drive Vacation and the Frances Way Vacation be private (and not maintained by the Road Commission). The roads in the Plat of Prospect Pointe 1 and in the Plat of Prospect Pointe 2 were dedicated to public use. The Road Commission accepted the dedication of the roads.

**WHEREAS**, on June 1, 2021, the Road Commission absolutely abandoned and discontinued as a public right-of-way that portion of Abigail Drive between Lots 1 and 86 of the Plat of Prospect Pointe 1 and that portion of Frances Way to the east of Lot 199 of the Plat of Prospect Pointe 2, excepting and reserving an easement for public utilities of record and/or use as now occupying said right of way.

**WHEREAS**, according to SEMLH, the purpose of the Abigail Drive Vacation and the Frances Way Vacation is to:

- a. Include the vacated areas (or portions thereof) as part of the Project;
- b. Facilitate future access to the Project; and
- c. Satisfy the requirements of the Road Commission that the access routes (as described in the Abigail Drive Vacation and the Frances Way Vacation) be private (and not maintained by the Road Commission) and that such access routes be maintained by SEMLH or its successors and assigns.

**WHEREAS**, the Michigan Department of Licensing and Regulatory Affairs (“LARA”), a named defendant in the Lawsuit, has also required that a resolution adopted by the Township that vacates and abandons the portion of Abigail Drive between Lots 1 and 86 of the Plat of Prospect Pointe 1, and the portion of Frances Way to the east of Lot 199 of the Plat of Prospect Pointe 2 be recorded with the Washtenaw County Register of Deeds pursuant to MCL 560.226(1)(c).



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**WHEREAS**, notwithstanding any vacation, all of the Abigail Drive Vacation and the Frances Way Vacation shall remain available for vehicular and pedestrian access, that any lawfully existing easements located within the boundary of the Abigail Drive Vacation and the Frances Way Vacation are and shall be preserved and, further, the Abigail Drive Vacation and the Frances Way Vacation shall be encumbered by such easements as are necessary for the Project for access, electricity, public water and sanitary sewer, stormwater, gas and otherwise.

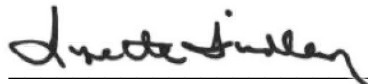
**WHEREAS**, the following resolution was moved by Treasurer McKinney supported by Clerk Findley and passed by unanimous voice vote.

**NOW, THEREFORE BE IT RESOLVED**, that the Superior Township Board approves SEMLH's request and hereby vacates and abandons that portion of Abigail Drive between Lots 1 and 86 of Prospect Pointe Subdivision No. 1, part of the Northeast ¼ of Section 33, T.2S., R.7E., Superior Township, Washtenaw County, Michigan, and that portion of Frances Way to the east of Lot 199 of Prospect Pointe Subdivision No. 2 and to the west of Logan Park of Prospect Pointe Subdivision No. 1, part of the Northeast ¼ of Section 33, T.2S., R.7E., Superior Township, Washtenaw County, Michigan (collectively, the "Vacated Areas").

**BE IT FURTHER RESOLVED** that the Superior Township Board approves the relief requested by SEMLH in the Lawsuit and directs its counsel to execute the judgment proposed by SEMLH in the Lawsuit.

**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 Charter Township of Superior Board held on July 19, 2021, 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

07/19/2021

Date Certified

Roll Call:

Ayes: Trustee Caviston, Clerk Findley, Trustee Lewis, Trustee Lindke, Trustee McGill, Treasurer McKinney, Supervisor Schwartz

Nays: None

Absent: None

The resolution carried by unanimous vote.

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**G. RESOLUTION 2021-36, ENTER INTO AN AGREEMENT WITH MAYALCO, LLC**

Supervisor Schwartz explained the background of the property. Around 2014, the Township purchased 15 acres which was purchased through the foreclosure process through the county. Mayalco, LLC is requesting to swap land to complete their development.

The following resolution was moved by Treasurer McKinney supported by Trustee McGill.

**CHARTER TOWNSHIP OF SUPERIOR**

**WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION TO ENTER INTO AN AGREEMENT WITH MAYALCO, LLC**

**RESOLUTION NUMBER: 2021-36**

**DATE: JULY 19, 2021**

**WHEREAS**, the Charter Township of Superior Board of Trustees would like to enter into an exchange agreement with Mayalco, LLC.

**WHEREAS**, the Parties each own real property in the Township; and

**WHEREAS**, for the purpose of facilitating the most efficient and cost-effective use of land, the parties agree a swap of land for no cash consideration, subject to the terms and conditions set forth in the Agreement.

**WHEREAS**, the real properties to be transferred between the Township and Developer (Mayalco, LLC) are referred to collectively as the “Transferred Properties” and described in detail below.

**WHEREAS**, the Parties agree that, notwithstanding the ancillary expenses allocated as set forth in this Agreement, the Township’s Property will be transferred to Developer for no additional cash consideration and Developer’s Property will be transferred to the Township for no additional cash consideration as the properties are of equal value.

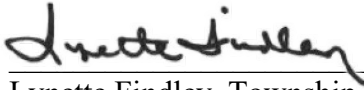
**NOW THEREFORE BE IT RESOLVED** that the Charter Township of Superior Board of Trustees hereby authorizes the administrative staff to execute the Exchange Agreement.

**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 Charter Township of Superior Board held on July 19, 2021,

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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

07/19/2021  
\_\_\_\_\_  
Date Certified

Roll Call:

Ayes: Trustee Caviston, Clerk Findley, Trustee Lewis, Trustee Lindke, Trustee McGill, Treasurer McKinney, Supervisor Schwartz

Nays: None

Absent: None

The resolution carried by unanimous vote.

The following agenda items were moved by Clerk Findley, supported by Trustee Lewis to be combined into one motion.

- H. HURON RIVER WATERSHED COUNCIL DUES JANUARY 1, 2021-DECEMBER 31, 2021**
- I. SOUTHEAST MICHIGAN COUNCIL OF GOVERNMENTS (SEMCOG) DUES FOR 2021-2022**
- J. ANN ARBOR/YPSILANTI REGIONAL CHAMBER DUES FOR FISCAL YEAR 2021**

The motion was carried by unanimous voice vote.

**K. BOARD DISCUSSION REGARDING FUTURE BOARD MEETINGS**

Supervisor Schwartz is suggesting the Board go back to in-person meetings. Trustee Lewis would like to be back in person due to technical difficulties. Treasurer McKinney will support whatever the Board decides. Trustee McGill mentions Washtenaw County is at a 70% vaccination rate. Trustee Lindke agrees with resuming in-person meetings. Trustee Caviston has no problem with going back to in-person meetings. Clerk Findley also agrees with resuming in-person meetings.

The motion to resume in-person meetings for all Township business beginning July 20, 2021, was moved by Trustee Lindke, supported by Clerk Findley.

The motion was carried by unanimous voice vote.

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Trustee McGill would like to advocate for the disabled and elderly populations who cannot attend Board meetings but at least have access to the meetings via Zoom. Trustee Lewis and Treasurer McKinney agreed with Trustee McGill. Supervisor Schwartz stated we will have to purchase extra technology to be able to perform this.

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

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

Trustee Lindke inquired about what the Robert Butler contractor payment is. She also inquired about the employee manual payment and dump tickets. Supervisor Schwartz explained what all of these were. Supervisor Schwartz praised Mr. Butler for his hard work. There is a special assessment district which levy \$26/year on 871 parcels. Supervisor Schwartz suggests the Board thinks about expanding the special assessment district to include Prospect Pointe East/West and Panama Ave. and Stamford Rd. Treasurer McKinney reminded that some of those subdivisions have Homeowners Associations.

The motion carried by unanimous voice vote.

**13. PLEAS and PETITIONS**

- Supervisor Schwartz stated the moratorium will expire on July 20, 2021. He will notify the different boards and commissions of this.

**14. ADJOURNMENT**

It was moved by Clerk Findley, supported by Trustee McGill, that the meeting be adjourned. The motion carried and the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Lynette Findley, Clerk

Kenneth Schwartz, Supervisor