

**CHARTER TOWNSHIP OF SUPERIOR BOARD  
REGULAR MEETING  
DATE JULY 17, 2023  
APPROVED 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. on July 17, 2023, at the Superior Charter Township Hall, 3040 North Prospect, Superior Charter 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 Supervisor Ken Schwartz, Clerk Lynette Findley, Treasurer Lisa Lewis, Trustee Nancy Caviston, Trustee Bernice Lindke, Trustee Rhonda McGill, and Trustee Bill Secrest.

Absent: None

**4. ADOPTION OF AGENDA**

It was moved by Treasurer Lewis supported by Clerk Findley, to adopt the agenda as presented.

The motion carried by unanimous vote.

**5. APPROVAL OF MINUTES**

**A. JUNE 20, 2023, REGULAR MEETING**

It was moved by Trustee Lindke supported by Treasurer Lewis, to approve the minutes of the special Board meeting of June 20, 2023, amending, with corrections given by Trustee Lindke.

The motion carried by unanimous vote.

**B. JUNE 28, 2023, REGULAR MEETING**

It was moved by Trustee Caviston supported by Trustee McGill, to approve the minutes of the regular Board meeting of July 17, 2023, amending, under “new business, A” removing the word “policy” and changes from Trustee McGill.

The motion carried by unanimous vote.

**6. CITIZEN PARTICIPATION**

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**A. CITIZEN COMMENTS**

- Linh Son, City of Ann Arbor, City Councilmember, spoke in favor of the rezoning of 3900 Dixboro Rd.
- TC Collins, Director of Willow Run Acres, spoke on the letter from Coy Vaughn in the Board packet, requesting that funds be reserved for trees be kept in the Township.
- Irma Golden, 1585 Sheffield Dr., spoke on the sidewalks in the Township, dispersed a handout, and she asked why administrators are not required to come to the meetings.
- Stephan Taylor, Tanglewood Dr., spoke in favor of the rezoning of 3900 Dixboro Rd.
- Daniel Ezekiel, City of Ann Arbor, spoke in favor of the rezoning of 3900 Dixboro Rd.
- Meridith Schindler, Vreeland Rd., spoke in favor of the rezoning of 3900 Dixboro Rd.
- Anthony Stone, Brownstown Township, spoke in favor of the rezoning of 3900 Dixboro Rd.
- Lori Roddy, Executive Director of Neutral Zone, spoke in favor of the rezoning of 3900 N. Dixboro.
- Margie Brawer, Fleming Ridge Dr., spoke in opposition to the rezoning 3900 Dixboro Rd.
- Brenda Baker, Ashton Ct., spoke in opposition to the rezoning of 3900 Dixboro Rd.
- Stephen Preston, Fleming Ridge Dr, spoke in opposition to the rezoning of 3900 Dixboro Rd.
- Ashley Oberheid, City of Ann Arbor, spoke in favor of the rezoning of 3900 Dixboro Rd.
- Katie Baker, Pittsfield Township, spoke in favor of the rezoning of 3900 Dixboro Rd.
- Joshua Stumpkis, Arbor Woods, spoke in favor of the rezoning of 3909 Dixboro Rd.
- Genevieve Faber, Arbor Woods, spoke in favor of the rezoning of 3900 Dixboro Rd.
- Stephen Henley, Warren Rd., spoke in opposition to the rezoning of 3900 Dixboro Rd.
- Doug Dale, Wing Dr., spoke in opposition to the rezoning of 3900 Dixboro Rd.
- Gerard Matuszak, Vorhies Rd., spoke in opposition to the rezoning of 3900 Dixboro Rd.
- Crystal Lyte, Washtenaw County Commissioner, spoke in favor of the rezoning of 3900 Dixboro Rd.
- Delphine Reed, Stamford Rd., spoke in favor of the rezoning of 3900 Dixboro Rd.
- Gene DeRossett, Manchester Township, spoke in favor of the rezoning of 3900 Dixboro Rd.
- Stephen Postema, City of Ann Arbor, spoke in favor of the rezoning of 3900 Dixboro Rd.
- Jan Piert, Annsway Dr, spoke in favor of the rezoning of 3900 Dixboro Rd.
- Gabrielle Kennie, City of Ypsilanti, spoke in favor of the rezoning of 3900 Dixboro Rd.
- Bryanna Burns, City of Ypsilanti, spoke in favor of the rezoning of 3900 Dixboro Rd.
- Sean Manning, City of Ypsilanti, spoke in favor of the rezoning of 3900 Dixboro Rd.
- Susan Davis, Joy Rd., spoke in favor of the rezoning of 3900 Dixboro Rd.

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**CLOSED SESSION**

- A. DISCUSS ATTORNEY CLIENT PRIVILEGED COMMUNICATIONS REGARDING LASALLE, INC. CONTRACTS**
- B. APPROVE MINUTES FOR FEBRUARY 6, 2023, CLOSED SESSION**
- C. APPROVE MINUTES FOR MARCH 20, 2023, CLOSED SESSION**

It was moved by Trustee Lindke supported by Trustee McGill to proceed into Closed Session.

Roll Call:

Ayes:

Trustee Caviston  
Clerk Findley  
Treasurer Lewis  
Trustee Lindke  
Trustee McGill  
Supervisor Schwartz  
Trustee Secrest

Nays:

None.

Absent:

None.

The motion carried by unanimous vote.

*At 7:53 p.m. the Board of Trustees went into closed session.*

*At 8:37 the Board of Trustees reconvened.*

It was moved by Trustee McGill supported by Treasurer Lewis to authorize the attorney to proceed as discussed in closed session.

Motion carried by unanimous vote.

The Board agreed to table the approval of the closed session minutes.

**6. COMMUNICATIONS**

- A. Wetland Delineation for 3900 N. Dixboro Rd.

It was moved by Trustee Secrest supported by Trustee Lindke, to receive.  
The motion carried by unanimous vote.

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B. Letter of Retainage to Doan Construction

It was moved by Trustee McGill supported by Trustee Lindke, to receive.

The motion carried by unanimous vote.

C. Letters Regarding Rezoning at 3900 N. Dixboro Rd

It was moved by Trustee McGill supported by Trustee Lindke, to receive.

The motion carried by unanimous vote.

D. Communications from County Parks and Recreation Director-Coy Vaughn

It was moved by Treasurer Lewis supported by Trustee McGill, to receive.

The motion carried by unanimous vote.

- Supervisor Schwartz said, in regard to the Coy Vaughn communications, that Coy Vaughn and Jason Gold would like to invite the Board to the Staebler Farm County Park for a tour in August.
- Clerk Findley said she would like to reiterate we discussed some of the trees from the Hyundai project to go to Clay Hills Farms.

*(All letters and documents given at the table are attached to the end of these minutes)*

**UNFINISHED BUSINESS**

A. Ordinance 174-25, Zoning Ordinance, Second Reading

It was moved by Trustee Secrest supported by Trustee Lindke, for the second reading and consideration of adoption for Ordinance 174-25.

The motion carried by unanimous vote.

Supervisor Schwartz opened the floor for the Board to make a statement before their decision.

- Trustee Lindke spoke in favor of the rezoning of 3900 Dixboro Rd.
- Trustee Secrest spoke in favor of the rezoning of 3900 Dixboro Rd.
- Clerk Findley spoke in favor of the rezoning of 3900 Dixboro Rd.
- Treasurer Lewis spoke in favor of the rezoning of 3900 Dixboro Rd.

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- Trustee Caviston spoke in opposition to the rezoning of 3900 Dixboro Rd.
- Trustee McGill spoke in favor of the rezoning of 3900 Dixboro Rd.
- Supervisor Schwartz spoke in opposition to the rezoning of 3900 Dixboro Rd.

Roll Call:

Ayes:

Clerk Findley  
Trustee Secrest  
Treasurer Lewis  
Trustee Lindke  
Trustee McGill

Nays:

Trustee Caviston  
Supervisor Schwartz

Absent:

None.

The motion carried by majority vote.

8. **REPORTS**

**A. SUPERVISOR REPORT**

- Supervisor Schwartz waived his report for the evening.

**B. LIASON REPORT ON PARKS & RECREATION COMMISSION MEETING**

- Trustee Lindke provided a handout to the Board.
- Trustee Lindke asked for clarity and possible updates to the Board policy book.
- Trustee Lindke gave updates on the Parks & Recreation Commission meeting.
- Treasurer Lewis asked for updates on outstanding grant applications.
- Juan Bradford shared that there will be updates late summer/early fall.
- Trustee Lindke spoke on the age of the Parks and Recreation vehicles.

**C. COMMUNITY CENTER ADVISORY COMMITTEE**

- Clerk Findley shared that the Community Center was able to secure \$15,000,000.00.
- Clerk Findley noted the hard work of Senator Jeff Irwin and State Representative Jimmie Wilson.
- Clerk Findley said that Annie Sommerville, Washtenaw County Commissioner, did a great job in helping to secure the funds.

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- Clerk Findley said that the Community Center may well be right here in Superior Charter Township on the “Cheney” property.

**D. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, ORDINANCE OFFICER REPORT, PARKS COMMISSION MINUTES, SHERIFF’S REPORT**

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

The motion carried by unanimous vote.

Trustee McGill asked for the presence of the Sheriff’s department in Board of Trustee meetings to be able to answer questions.

Trustee Lindke said that in a meeting with the Sheriffs, with Supervisor Schwartz, that the Sheriff’s department would be amenable to that as it is in the contract.

Supervisor Schwartz said on behalf of the Sheriff’s Department that the Sheriff’s report will be revised and sent to Clerk Findley.

**11. NEW BUSINESS**

- Trustee McGill requested that the **Personnel** Manual goes on the agenda.
- Trustee McGill said she would like to “rescind” her previous approval of the Personnel Manual because it is “not done”.
- Supervisor Schwartz said that if anyone has specific amendments that it can be put on a future agenda.
- Treasurer Lewis asked for steps to take moving forward.
- Fred Lucas stated that wages, fees, and salaries should be set by resolution.

**A. RESOLUTION 2023-39, APPROVING PROSPECT POINTE WEST – PHASE 1 DEVELOPMENT AGREEMENT**

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

Mary shared that the Superior Township Utilities Department is working to update fees as according to the approved resolution 2023-36.

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WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION APPROVING PROSPECT POINTE WEST – PHASE 1  
DEVELOPMENT AGREEMENT**

**RESOLUTION NUMBER: 2023-39**

**DATE: July 17, 2023**

**WHEREAS**, the Developer desires to develop Phase One of a four-phase project, an overall parcel of a size totaling approximately 67.36 acres located south of Geddes Road and adjacent to the Prospect Pointe Subdivision in the northeast quarter of Section 33, in accordance with the approved Final Site Plan dated September 15, 2022 (the "**Development**") as more particularly described in the attached **Exhibit A**; and,

**WHEREAS**, the Developer is developing the residential development pursuant to the Superior Charter Township Zoning Ordinance No. 174, as amended, and other applicable law; and,

**WHEREAS**, the Developer desires to build all necessary on-site infrastructure for the Development, including but not limited to: water mains, sanitary sewers, non-motorized trails, open space, storm water management system, sidewalks and private roads, and similar amenities in the Development (the "**Site Improvements**"); and,

**WHEREAS**, the Developer desires to install grading and soil erosion and sedimentation control improvements to facilitate the drainage of storm water from the Development in such a manner as is not expected to result in damage to any adjacent property outside of the Development or any site, building, or residential unit within the Development from an increase in the flow of storm water or decrease in water quality of storm water from the Development, as more fully set forth in the final engineering plans approved by the Township ("**Engineering Plans**"); and,

**WHEREAS**, all agreements, approvals, and conditions agreed to by the Developer and the Township remain in effect for the Development, including, but not limited to, conditions of all approvals by the Township regarding zoning and site plan approval for the Development and permits that may have been issued by appropriate governmental review agencies for the Development; and,

**WHEREAS**, on April 26, 2023, the Township approved, by action of the Superior Charter Township Planning Commission, the Final Site Plan for the STPC #22-03, Prospect Pointe West Phase 1, with conditions ("**Final Site Plan**"), and all conditions of the Final Site Plan have been satisfactorily met; and

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**WHEREAS**, the approved Final Site Plan for the Development is consistent with the purposes and objectives of the Township's Zoning Ordinance pertaining to the use and development of the Development; and,

**WHEREAS**, Section 10.05(G) of the Superior Charter Township Zoning Ordinance requires the execution of a Development Agreement in connection with the approval of the Final Site Plan for the Development; and,

**WHEREAS**, the Development Agreement shall be binding upon the Township, the Developer of the Development, their successors-in-interest, and assigns.

**NOW, THEREFORE, IT BE RESOLVED**, in consideration of the premises and the mutual covenants of the parties described in this Agreement, and with the express understanding that this Agreement contains important and essential terms as part of the approval of the Developer's Final Site Plan for the Development, the parties hereby agree as follows:

**ARTICLE I.  
GENERAL TERMS**

**Section 1.01 Recitals Part of Agreement.**

Developer and the Township acknowledge and represent that the foregoing recitals are true, accurate and binding on the respective parties and are an integral part of this Agreement.

**Section 1.02 Zoning District.**

The Township acknowledges and represents that the property is zoned R-4 (Single Family Residential) for the Development and, for purposes of recordation, shall be referred to as Prospect Pointe West Phase 1, and that the Developer's intended use as described herein is a permitted use under the R-4 (Single-Family Residential) zoning district designation.

**Section 1.03 Approval of Final Site Plan.**

The Final Site Plan dated September 15, 2022, attached hereto as **Exhibit B** has been approved pursuant to the authority granted to and vested in the Township pursuant to the Michigan Public Act 110 of the 2006 Zoning Enabling Act, as amended.

**Section 1.04 Conditions of Final Site Plan Approval.**

The Developer and the Township acknowledge that the approved Final Site Plan for the Development referenced in Section 1.03 incorporates the Township's complete and final approved conditions and requirements for the Final Site Plan that were adopted by the Township Planning Commission pursuant to recommendations by the consultants and departments of the Township.

**Section 1.05 Agreement Running with the Land.**

The terms, provisions and conditions of this Agreement shall be deemed to be of benefit to the Development described herein, shall be deemed a restrictive covenant which shall run with the land and be binding upon and inure to the benefit of the parties and their successors and assigns,



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and binding upon the successors-in-interest to any portion of the Development, and may not be modified or rescinded except as provided in Section 3.01 below.

**Section 1.06 Developer Responsibilities for Improvements and Assessments.**

Except as otherwise provided for in this Agreement and except as dedicated by the Developer to the Township or other governmental authorities after approval of the Township, the Developer shall be responsible for the maintenance of all Site Improvements.

**ARTICLE II.  
PROVISIONS REGARDING DEVELOPMENT**

**Section 2.01 Permitted Principal Uses.**

The permitted principal uses within the Development shall conform to the list of allowable land uses specified on the adopted Site Plan for the Development, along with any other accessory uses and/or amenities permitted under the Township's ordinances.

**Section 2.02 Payment of Fees and Invoices.**

Developer shall pay all such applicable fees and invoices as may be due and payable prior to the issuance of building permits. Construction permit fees for buildings to be constructed within the Development shall be the responsibility of the party requesting such permits.

**Section 2.03 Common Elements.**

As used in this Agreement the term Common Elements refers to the following items:

- (a) Open space
- (b) Parks
- (c) Pathways
- (d) Detention areas
- (e) Storm water drainage; and
- (f) Any other items depicted in the Final Site Plan and designated as a Common Element.

**Section 2.04 Use of Detention Areas; Use of Open Space and Park Areas.**

Certain portions of the Development are to be used for storm water detention and drainage; recreation, open space, wetlands as depicted in the approved drainage plan and/or Final Site Plan.

**Section 2.05 Changes and Improvements.**

Incidental changes to the Development, the Final Site Plan, or to the Site Improvements may be installed or constructed with the prior approval of the Township Building Official, Planning & Zoning Administrator, and the Township Supervisor per Section 10.02(C), Administrative Approval, of Zoning Ordinance No. 174, which approval shall not unreasonably be withheld. All other improvements and changes must be approved by the Township Planning Commission.

**Section 2.06 Performance Guarantees.**

Prior to the commencement of any work on the Site Improvements in the Development, the

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Developer shall deliver to the Township financial security by means of a certified check, cash, or an irrevocable letter of credit (hereafter referred to as the "**Security**") that names the Township as the beneficiary thereof in an amount equal to the estimated costs as approved by the Township consulting engineers, which approval may not be unreasonably withheld for the following items with respect to the Development:

- (a) All Site Improvements to be installed pursuant to the Final Site Plan and approved Engineering Plans.
- (b) Repairs to underground public utility infrastructure.
- (c) Maintenance and Restoration of slopes installed by Developer may be necessary in future after initial construction, prior to the installation of adjacent phases to complete the public utilities and road through Phase 1. It is also possible that if the adjacent phase(s) do not proceed in future, the Township may need to implement some work to integrate the Phase 1 improvement as an existing condition. Therefore, this guarantee shall be held until adjacent phase(s) is installed.

The Security may be amended or replaced from time to time as expressly provided in this Agreement.

The Security may be drawn upon by the Township only as expressly permitted in this Agreement.

The Security shall be fully returned by the Township to the Developer when all of the conditions to its release set forth in **Exhibit C** (the "**Security Itemization**"), attached hereto, have been satisfied.

The Security shall be reduced from time to time as those items in (a) through (b) above are completed by the Developer and approved by the Township. Further, the Developer shall receive partial reductions in the amount of the Security and/or partial returns of the Security when individual units within the Development to which the Security pertains, receives a final certificate of occupancy. The Developer shall provide written notice of completion to the Township and the Township shall inspect the items as soon as reasonably possible. The reduction or return of the Security shall be made annually and be based on the percentage of dwellings within the phase to which such the Security pertains that have received final certificates of occupancy.

**Section 2.07 Completion of Site Improvements.**

All Site Improvements for Phase 1 will be installed in one phase, including those necessary to connect to the existing Township water main and sanitary sewer systems. Improvements for subsequent phases will not be installed until Final Site Plans are approved for each of those phases. Site Improvements shall be installed, as depicted on the Final Site Plan and approved final Engineering Plans by no later than the time of application for the building permit for the construction of the first building. The first building permit may be issued if the franchise utilities (gas, electric, telephone, cable TV) are not installed, but no certificate of occupancy will be issued until the franchise utilities have been completed.

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**Section 2.08 Responsibility to Preserve, Retain, and Maintain the Development and Common Elements.**

The Developer shall regularly remove, but no less frequently than once a month, all construction debris and rubbish within the Development and for maintaining the function of all Common Elements. The Developer shall be responsible for the function and maintenance of all Common Elements. No burning of any kind will be allowed on the site, including the burning of trees, brush, stumps, or vegetative materials while clearing the site, or of construction materials during construction.

In the event the Developer fails at any time to preserve, retain, or maintain the function of the Common Elements, the Township may serve written notice upon the Developer setting forth the manner in which the Developer has failed to maintain or preserve the Common Element. Such notice shall include a demand that deficiencies in maintenance or preservation be cured within thirty (30) days of the notice. If the deficiencies set forth in the original notice, or any modification thereof, are not cured within such thirty (30) day period or any extension thereof, the Township, in order to prevent the Common Element from becoming a nuisance, may, but is not obligated to, enter upon the Common Element and perform the required maintenance or otherwise cure the deficiencies. The Township's reasonable cost to perform any such maintenance or cure, together with a surcharge equal to fifteen percent (15%) for administrative costs, shall be assessed against the Developer, on the Township's tax rolls for the Development.

**Section 2.09 Private Roads.**

All roads within the Development shall be private roads as depicted on the approved Final Site Plan and approved Engineering Plans.

**Section 2.10 Storm Water Management.**

The Developer shall notify the Township in writing within thirty (30) days of the date the Washtenaw County Water Resources Commission (WCWRC) becomes responsible for the storm water management system, including its related detention basin areas, inlet and outlet areas (the "**Storm Water Management System**") as depicted on the Final Site Plan. Notwithstanding the dedication and acceptance of the Storm Water Management System by the WCWRC, the Developer shall be responsible for the maintenance and appearance of the Storm Water Management System. The detention basin(s) or components thereof, shall not be maintained in an unkempt manner.

**Section 2.11 Public Sewer and Water**

(a) The Development shall have public sanitary sewers and public water mains ("**Public Utilities**") installed as approved by the Charter Township of Superior, Ypsilanti Community Utilities Authority, the Great Lakes Water Authority and/or the Michigan Department of Environmental Quality, subject to applicable laws and regulations. All standard connection and inspection costs and fees imposed by the Township, or other regulatory agencies, including, but not limited to, engineering inspections, shall be paid by the Developer or its successors (e.g. builders).

(b) Developer acknowledges that the Township shall not issue utility connection permits or building permits unless and until the Public Utilities required by the Township to be constructed

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under this Agreement are substantially complete. Developer agrees, for itself and its successors and assigns, that neither Developer nor its successors or assigns shall do any work on or in preparation for the installation of "public water" on the site without the appropriate permits; provided, however, that Developer shall not be liable for the actions of its successors and assigns.

(c) The Developer shall provide public utility easements for the Public Utilities prior to the issuance of any building permits. Upon approval from Township staff, the public utility easements shall be recorded with the Washtenaw County Register of Deeds. Recording fees are the responsibility of the Developer.

**Section 2.12 Repair of Public Utilities.**

The Township may draw down from the Security an amount necessary to pay the out-of-pocket costs incurred by the Township to repair any damages which occur to the Public Utilities installed by the Developer after substantial completion of any portion of the Development connected to such Public Utilities but prior to final acceptance of such Public Utilities within such portion of the Development if the Developer (or the Developer's successor or assign) does not complete such repairs within a reasonable amount of time after the Township's request. The Security shall be reduced by the portion thereof allocated to the repair of Public Utilities as set forth in attached **Exhibit C** within 30 days after the Township issues final acceptance of Public Utilities.

**Section 2.13 Escrow Amounts.**

Prior to the pre-construction meeting, the Developer shall pay the Township an amount to be established by the Township's engineers as an escrow to cover the costs of construction administration and inspection of the Public Utilities, Site Improvements, and other related infrastructure in the Development. The Developer will deposit additional funds from time to time to cover the costs of inspections performed by the Township's consultants, as outlined in the Zoning Ordinance and engineering standards, or when the escrow amount has been depleted prior to final approval of the Public Utilities, Site Improvements, and other related infrastructure in the Development.

**Section 2.14 Engineering Approval of Plans.**

In accordance with Superior Charter Township Ordinance and Superior Charter Township Engineering Design Specifications, no construction work or grading shall be performed on the Development until Engineering Plans are reviewed and approved.

**Section 2.15 Driveways.**

All driveways shall be constructed of Portland Cement Concrete. Driveways shall be 4-inches thick through the drive approach to the garage as shown on the Engineering Plans. All driveways shall have a maximum grade of eight percent (8%) as shown on the Engineering Plans.

**Section 2.16 Sidewalks and Non-Motorized Trails.**

The Developer shall install all public and private sidewalks and paved pathway improvements shown on the Final Site Plan on the Development in full conformance to the Final Site Plan.

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**Section 2.17 Landscaping Improvements and Replacement Trees.**

The Developer shall be responsible for installing landscaping improvements and replacement trees as indicated on the Final Site Plan. The Developer shall inform the Township in writing of the date of the planting of landscaping improvements and replacement trees and shall be responsible for replacing any plant material that does not survive in a healthy condition for the time period indicated in Section 14.05(F)(6) of Zoning Ordinance No. 174. The Township shall reserve the right to use the Security to pay the out-of-pocket cost incurred by the Township in replacing any such trees that the Developer fails to replace as required per Section 14.05(F)(6) and as permitted under Section 2.06 of this Agreement.

**Section 2.18 Construction Access.**

Developer shall take all reasonable measures requested by the Township to reduce any dirt, mud and dust created by trucks traveling to and from the Development during construction. This may include regular cleaning of streets, cleaning and replacement of the mud mat at the entrance to the Development, as well as deploying a water truck on site when dust conditions create a nuisance during the site development stage of construction, the expense of which shall be borne exclusively by the Developer.

**Section 2.19 Construction Work Schedule.**

Construction work within the Development (including excavation, demolition, alteration, and erection) and construction noises shall be prohibited at all times other than:

Monday through Saturday from 7:00 A.M. to 6:00 P.M.

The Township may issue a work permit for hours other than those identified immediately above upon written request of the owner or owner's representative. The request must demonstrate unusual or unique circumstances relating to the proposed construction hours.

**Section 2.20 Engineering and Certification.**

(a) Developer shall furnish as-built drawing plans signed and sealed by an engineer licensed in the State of Michigan indicating that the site grading, water transmission system, sanitary sewer system, storm water conveyance, soil erosion/ sedimentation and detention/retention facilities have been constructed in substantial accordance with the approved Engineering Plans. Format shall be as requested by Township Engineer. All inspections for water and sewer (sanitary and storm) installations are to be performed by the Township engineers, with applicable fees paid by Developer. The Township will review and approve improvements in accordance with the Township "Engineering Design Specification for Site Improvements" and other applicable laws and ordinances.

(b) Developer shall furnish as-built drawing plans in digital format that is in conformance with the Charter Township of Superior Standards for Submitting Digital As-Built Drawings, Revised March 2007 as amended.

**Section 2.21 Underground Utilities.**

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The Developer shall install all electric, telephone and other communication systems underground in accordance with requirements of the applicable utility company and applicable Township Ordinances. No underground utility structures, i.e. manholes, shall be permitted in sidewalks or driveways per Superior Charter Township Engineering Standards.

**Section 2.22 Site Grading**

(a) The Developer or the Developer's representative shall submit as-built plot plans and certify that the as-built lot grading conforms to the Township approved site and engineering drawings within industry standards, and that building setbacks conform to the Township approved site and engineering drawings. This certification shall be prepared by and bear the seal of a professional land surveyor licensed in the State of Michigan.

(b) The Township shall have the right to spot-check certification grades at its own discretion. The final certificate of use and occupancy of each building shall be withheld until the lot grading/setback certification is received and approved by the Township. The Township shall have the right, at its own discretion, to waive some or all of the lot grading and building setback certification requirements.

**ARTICLE III.  
MISCELLANEOUS PROVISIONS**

**Section 3.01 Amendment and Modifications.**

No amendment or modification to or of this Agreement shall be binding upon any party hereto until such amendment or modification is reduced to writing and executed by all parties.

**Section 3.02 Governing Law.**

This Agreement shall be governed in all respects, whether as to validity, construction, performance and otherwise, by the laws of the State of Michigan.

**Section 3.03 Township Approval.**

This Agreement has been approved through action of the Township Board at a duly scheduled meeting.

**Section 3.04 Developer Approval.**

The signers on behalf of the Developer below represent by their signatures that they represent and have authority to bind all owners of legal and equitable title in the Development.

**Section 3.05 Execution in Counterparts.**

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one Agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.

**Section 3.06 Preconstruction Meeting with Contractors.**

Prior to the commencement of any grading on the Development, the Developer or such other

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third parties shall schedule a meeting as per the Township's engineering standards with its general contractor, construction manager and the Township's applicable departments, officials, and consultants to review the applicable policies, procedures, and requirements of the Township with respect to construction of the Development.

**Section 3.07 Fees.**

The Developer shall pay for any reviews reasonably necessary to determine conformance of the Development to this Agreement. This fee would include review time by the Township Engineer, Planner or Attorney.

**Section 3.08 Recordation of Agreement.**

The Township shall record this Agreement with the Washtenaw County Register of Deeds and shall provide a true copy to the Developer. All costs associated with the recording of this Agreement shall be borne by the Developer. This Agreement will run with the land.

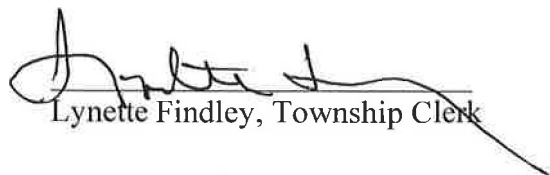
**Section 3.09 Mutual Cooperation.**

Each party to this Agreement shall (i) take all actions required of it by the terms of this Agreement as expeditiously as possible; (ii) cooperate, to the fullest extent possible, with the other party to this Agreement and with any individual, entity or governmental agency involved in or with jurisdiction over the engineering, design, construction or operation of the Development, or any other improvements which are undertaken in connection with the foregoing, in the granting and obtaining of all easements, rights of way, permits, licenses, approvals and any other consents or permissions necessary for the construction or operation thereof, and including cooperation reasonably necessary to obtain loans or grants; (iii) execute and deliver all reasonable documents necessary to accomplish the purposes and intent of this Agreement, including, but not limited to, such documents or agreements as may be required by the lenders with respect to the Development 10

to secure the financing from such lenders; and (iv) use its reasonable efforts to assist the other party to this Agreement in the discharge of their respective obligations hereunder.

**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 17, 2023, 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

7/17/2023  
Date Certified

**CHARTER TOWNSHIP OF SUPERIOR BOARD  
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Roll Call:

Ayes:

Clerk Findley  
Trustee Caviston  
Treasurer Lewis  
Supervisor Schwartz  
Trustee Lindke  
Trustee McGill  
Trustee Secrest

Nays:

None.

Absent:

None.

The resolution carried by unanimous vote.

**B. RESOLUTION 2023-40, INCREASE THE HOURLY RATE OF PAY FOR  
TEMPORARY PART TIME ASSISTANT IN THE TREASURER'S DEPARTMENT**

The following resolution was moved by Clerk Findley supported by Trustee Lindke.

Treasurer Lewis explained the resolution.

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**A RESOLUTION TO INCREASE THE HOURLY RATE OF PAY FOR TEMPORARY  
PART TIME ASSISTANT IN THE TREASURER'S DEPARTMENT**

**RESOLUTION NUMBER: 2023-40**

**DATE: JULY 17, 2023**

**WHEREAS** Carolyn James began at the township in March of 2022, bringing a strong skillset in accounting and reconciliation. She also has a wealth of experience in cash handling, customer service, and meticulous data entry, after having worked 30 years in a supervisory position at the University of Michigan in financial Operations; including Federal, Expendable Restricted, Auxiliary, Student Accounts, and Student Loan Fund areas and,



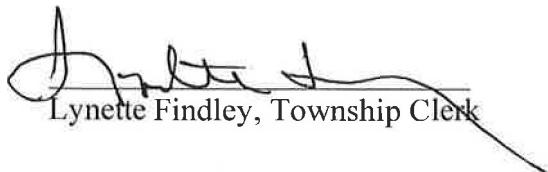
**CHARTER TOWNSHIP OF SUPERIOR BOARD  
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**WHEREAS**, Assistant Deputy Treasurer, Carolyn James, is a temporary, part-time invaluable employee in the Treasurer's Department; who holds a Bachelor of Science Degree in Accounting, is the current Treasurer for Washtenaw Educational Metrics Institute, is the current Treasurer at her church, Brown Chapel A.M.E., Church, and is currently the Treasurer for Michigan Lay Organization for the State of Michigan and is currently the Treasurer of the Fourth District Lay Organization which includes; Michigan, Indiana, Illinois and Canada, where as the average pay for a professional doing accounting work in a Treasurer's office of this magnitude, is \$40-\$50.00 hourly rate, now;

**THEREFORE, BE IT RESOLVED** that effective July 17, 2023, the Superior Charter Township Board of Trustees hereby approves of a salary rate increase for Carolyn James, temporary part-time Deputy Treasurer Assistant, from \$31.20 to a wage of \$36.00 per hour.

**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 17, 2023, 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

7/17/2023  
Date Certified

The resolution carried by unanimous vote.

**C. RESOLUTION 2023-41, APPROVE OHM DESIGN AND BIDDING/CONSTRUCTION PHASE SUPPORT FOR A NEW BATHROOM AT THE EXISTING FIRE STATION**

George Tsakoff, OHM, explained the resolution.

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

**RESOLUTION TO APPROVE OHM DESIGN AND BIDDING/CONSTRUCTION  
PHASE SUPPORT FOR A NEW BATHROOM AT THE EXISTING FIRE STATION  
NO. 2**

**RESOLUTION NUMBER: 2023-41**

**DATE: JULY 17, 2023**

**WHEREAS**, at the request of the Superior Charter Township Parks & Recreation Department, OHM Advisors (OHM) is pleased to submit this proposal to provide professional services to Superior Charter Township (Township) for design and bidding/construction phase support for a new bathroom at the existing Fire Station No. 2, located along west side of Harris Rd, north of MacArthur Boulevard; and,

**WHEREAS**, the Township desires architectural design phase services to meet code compliance and provide bidding documents to a minimum of three (3) contractors that can provide pricing for the project for Township approval; and,

**WHEREAS**, OHM Advisors will also be available to provide limited support as outlined during the construction phase of the project; and,

**WHEREAS**, the schedule for the proposal upon authorization is as follows:

- Design Documents Finalized – September 15, 2023
- Contractor Selection by Township (anticipated) – October 16, 2023
- Approximate Construction Start (anticipated) – December 6, 2023
- Construction Completion (anticipated) – March 5, 2023, or as agreed by Township staff.

**NOW THEREFORE, BE IT RESOLVED**, that the Superior Charter Township Board of Trustees hereby approves the proposed fee schedule with OHM Advisors dated July 11, 2023, for a Fixed Fee of \$15,700.00. No additional services outside the scope of work provided above will proceed without receipt of written authorization by the Township.

It was moved to table Resolution 2023-41 and approve up to \$2,500.00 to be used for an architect to make a determination as to the most fiscally responsible decision for adding a bathroom at Fire Station No 2 by Trustee McGill supported by Treasurer Lewis.

**CHARTER TOWNSHIP OF SUPERIOR BOARD  
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The motion carried by unanimous vote.

**D. RESOLUTION 2023-42, APPROVE OHM ENGINEERING AND DESIGN SERVICES FOR THE REPLACEMENT OF 16-INCH CAST IRON WATER MAIN ALONG STAMFORD ROAD BETWEEN NORFOLK AVENUE AND MACARTHUR BOULEVARD.**

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

Rickey Harding, Maintenance Superintendent, George Tsakoff, OHM, and Chris Elanbaas, OHM, explained the resolution.

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

**RESOLUTION TO APPROVE OHM ENGINEERING AND DESIGN SERVICES FOR THE REPLACEMENT OF 16-INCH CAST IRON WATER MAIN ALONG STAMFORD ROAD BETWEEN NORFOLK AVENUE AND MACARTHUR BOULEVARD.**

**RESOLUTION NUMBER: 2023-42**

**DATE: JULY 17, 2023**

**WHEREAS**, OHM Advisors has submitted this proposal to assist the Township with engineering and design services for the replacement of 16-inch cast iron water main along Stamford Road between Norfolk Avenue and MacArthur Boulevard; and,

**WHEREAS**, the Township desires to replace approximately 1,400 feet of existing 16-inch diameter cast iron water main along Stamford Road; and,

**WHEREAS**, the design phase of the project will require only engineering services required for ultimate permitting through EGLE, YCUA, and Washtenaw County but would not include bidding assistance services; and,

**WHEREAS**, the water main installation will be performed with horizontal directional drilling (HDD) trenchless technology, and the pipe material for directional drilling would be HDPE. The proposed diameter of the HDPE pipe would consider the necessary inside pipe diameter and wall thickness based on the hydraulic requirements of the system; and,

**WHEREAS**, the fee breakdown is as follows:

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- Design Phase Fee - \$42,200
- Geotechnical Analysis - \$6,500; and,

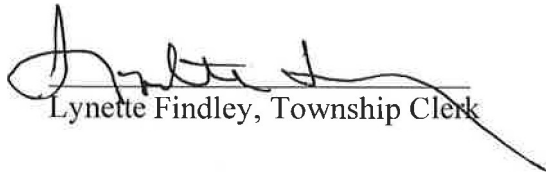
**WHEREAS**, the schedule for the proposal upon authorization is as follows:

- Meeting with Township – July 17, 2023
- Base Plans and Preliminary Water Main Layout – September 8, 2023
- 80% Design and Permit Plan Sets – October 6, 2023
- Final Construction Set Documents – October 27, 2023
- Anticipated Construction Start and Finish Dates – March 4, 2024, through May 4, 2024.

**NOW THEREFORE, BE IT RESOLVED**, that the Superior Charter Township Board of Trustees hereby approves the proposed fee schedule with OHM Advisors dated July 11, 2023, for a **Total Not-to-Exceed Fee of \$48,700**. No additional services outside the scope of work provided above will proceed without receipt of written authorization by 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 Charter Township of Superior Board held on July 17, 2023, 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

7/17/2023  
Date Certified

The resolution carried by unanimous vote.

**E. RESOLUTION 2023-43, ACCEPT BID FROM STANTE EXCAVATING INC. (STANTE) FOR CLARK ROAD SANITARY SEWER PROJECT**

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

Supervisor Schwartz and George Tsakoff, OHM, gave background on the resolution.

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

**RESOLUTION TO ACCEPT BID FROM STANTE EXCAVATING INC. (STANTE)  
FOR CLARK ROAD SANITARY SEWER PROJECT**

**RESOLUTION NUMBER: 2023-43**

**DATE: JULY 17, 2023**

**WHEREAS**, sealed bids for the Clark Road Sanitary Sewer Project were received and publicly read aloud on Tuesday, June 27, 2023, at 2:00 pm at the Township Hall of Superior Charter Township; and,

**WHEREAS**, the project scope consists of 750 feet of 10-inch to 18-inch open cut sanitary sewer installation, abandonment of the existing can pump station and force main, site restoration, and completion of the new pump station previously constructed under separate contract; and,

**WHEREAS**, the work to be completed under this Contract includes the furnishing of all materials, equipment, and labor necessary to complete the proposed work, in accordance with the contract documents; and,

**WHEREAS**, Stante Excavating Inc. (Stante) located in Wixom, Michigan is the apparent low bidder for the project. OHM Advisors has had favorable past-experience working with this Contractor on previous projects; and,

**WHEREAS**, Stante Excavating Inc. (Stante) indicated that they are comfortable with completing all work items prior to the substantial completion date of November 30, 2023; and,

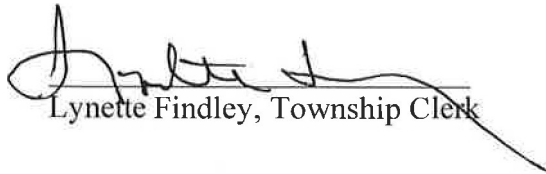
**WHEREAS**, based on OHM's discussions with the bidders, it's understood that bids are higher than anticipated due to considerable workload for the fall construction season, limited competition for the work, and general concern regarding the transition of an as-is existing construction site. The Township could elect to rebid the project in the fall of 2023 with the intention of completing the work during the 2024 construction season.

**NOW, THEREFORE, BE IT RESOLVED** that the Charter Township of Superior Board of Trustees hereby approves Stante Excavating Inc. (Stante) to complete this project for an estimated amount not to exceed **\$1,998,920.83**.

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**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 17, 2023, 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

7/17/2023  
Date Certified

Trustee Lindke and Trustee McGill questioned the difference between the estimate and the bid.

George explained that the circumstances of the project are unique.

Roll Call:

Ayes:

Treasurer Lewis  
Trustee Caviston  
Clerk Findley  
Trustee Lindke  
Trustee McGill  
Trustee Secrest  
Supervisor Schwartz

Nays:

None.

Absent:

None.

The resolution carried by unanimous vote.

**F. RESOLUTION 2023-44, APPROVE CONTRACT FOR REMOVAL AND CONSTRUCTION OF REPLACEMENT SIDEWALKS**

The following resolution was moved by Clerk Findley supported by Trustee McGill.

Supervisor Schwartz explained the resolution.

- Clerk Findley asked why we are extending beyond the Morris contract because the Township generally does not have a minority contractor and how many people he looked for.

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- Supervisor Schwartz answered that it was two.
- Clerk Findley reiterated Irma Golden's, Deputy Supervisor, concerns in getting letters to everyone and not just the most impoverished areas.
- Trustee McGill, with Clerk Findley's agreement, said she thought that the previous approval for sidewalks was for the entire Township.
- Deputy Supervisor Golden stressed that she cares about what is fair.

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

**RESOLUTION TO APPROVE CONTRACT FOR REMOVAL AND CONSTRUCTION  
OF REPLACEMENT SIDEWALKS**

**RESOLUTION NUMBER: 2023-44**

**DATE: JULY 17, 2023**

**WHEREAS**, it is the desire of the Superior Charter Township Board to protect the public health, safety, and welfare of the residents of the Township; and

**WHEREAS**, on April 17, 2020, the Charter Township of Superior Board approved Ordinance No. 150, sidewalks; and,

**WHEREAS**, it is the desire of the Township Board to facilitate the timely repair of sidewalks which are found to be in a state of disrepair; and

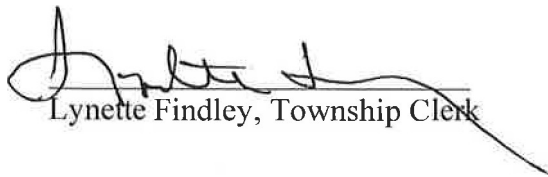
**WHEREAS**, the Township has drafted a contract to be used with future construction contractors for the removal and construction of replacement sidewalks.

**NOW, THEREFORE, BE IT RESOLVED** that effective July 17, 2023, the Superior Charter Township Board of Trustees hereby approves the contract for removal and construction of replacement sidewalks.

**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 17, 2023, and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

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Lynette Findley, Township Clerk

7/17/2023  
Date Certified

**G. MOTION TO APPROVE INVOICE FROM HURON RIVER WATERSHED  
COUNCIL – DUES**

The motion was made by Treasurer Lewis supported by Trustee McGill to approve invoice from Huron River Watershed Council dues.

The motion carried by unanimous vote.

**H. ORDINANCE 174-26, ZONING ORDINANCE, FIRST READING**

The motion was made by Trustee Lindke supported by Trustee McGill for the first reading of Ordinance 174-26.

Roll Call:

Ayes:

Treasurer Lewis  
Clerk Findley  
Trustee Lindke  
Trustee Caviston  
Trustee McGill  
Trustee Secrest  
Supervisor Schwartz

Nays:

None.

Absent:

None.

The motion carried by unanimous vote.

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

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

The motion carried by unanimous vote.



**CHARTER TOWNSHIP OF SUPERIOR BOARD  
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**13. PLEAS and PETITIONS**

- Trustee McGill said she did not receive the letter from Debby Covington that was in the Board book.
- Clerk Findley apologized and said she informed the staff of the correct procedures for mail and assured her that and email was sent as well.
- Rickey Harding, Maintenance Superintendent, made a comment regarding the education incentives.
- Rickey Harding said removing it from people who have had it for years is unfair.
- Rickey Harding also addressed comments made in the Board of Trustee special meeting June 28, 2023, regarding the Utility Department “on call”.
- Rickey Harding made a request to meet with individual board members.
- Dan Allen made a request to not remove the education incentive bonus as stated in the special meeting of June 28, 2023.
- Dan Allen gave a handout of his comments to the Board.
- Trustee Lindke said she never found any other business that gives the bonus for education.
- Mary Burton, Utility Administrator, gave examples of municipalities that do have this education incentive.
- Mary Burton said that there was no explanation given for the incentive removal and that has negatively affected morale.
- Mary Burton said that the absolute greatest asset of an employer is their employees.
- Clerk Findley said she supports “grandfathering” in employees that have been afforded this incentive in the past.
- Trustee Caviston said she has a problem with someone receiving multiple incentives for the same degree.
- Mary Burton stressed that the maintenance team is continuously learning and renewing their work certifications.
- Trustee McGill said, “we need a next level conversion”, stating that what concerns her is the actual pay structure and wages saying there is “nickel and diming” happening.
- Trustee McGill reiterated Mary Burton’s past comments saying, the Fire department can not do their jobs unless the Utility Department does theirs which stresses the importance of the Utility Department.
- Treasurer Lewis thanked Mary Burton and the Maintenance team for their time and sharing their experience, giving context to the education incentive and the on-call fee structures.
- Mary Burton spoke more on the on-call fee structure.
- Clerk Findley clarified that Mary Burton created the fee structure that was already in the Manual.
- Mary Burton said that she did give a recommendation.
- Mary Burton said that her staff is always on time and consistent.
- Trustee Lindke questioned why there was a bonus given for college degrees but not for certifications.

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- Ben McCleery spoke on the education incentive bonus saying that he does not support the idea of taking away someone else's incentives in the name of fairness and that he would prefer that the education incentive remain.
- Rob Millett spoke on the on-call incentive and gave details of why it is important.
- Rob Millett stressed that the on-call list is short and that there always need to be people ready and available to answer the call and that they should be compensated as such.
- Rob Millett said he treats everyone like they are his neighbor.
- Deputy Supervisor Irma Golden said the Board needs to have a checklist that they follow up on.
- Keith Lockie, Township Controller, said he knows the history of the incentive structures and that he would like to be involved.

**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 10:44 p.m.

Respectfully submitted,

Lynette Findley, Clerk

Kenneth Schwartz, Supervisor