

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
MARCH 18, 2024
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 March 18, 2024, 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, Treasurer Lisa Lewis, Trustee Nancy Caviston, Trustee Bernice Lindke, Trustee Rhonda McGill, and Trustee Bill Secrest.

Absent: Clerk Lynette Findley

4. ADOPTION OF AGENDA

It was moved by Treasurer Lewis supported by Trustee Lindke, to adopt the agenda with the addition of the following:

New Business:

Steve Peach farming of “Rock Property”

Move Ordinance 174-27, First Reading to item A

Purchase new lawn mower for Superior Township Utility Department (STUD)

Unfinished Business:

Human Resources Director update

Infinity Homes, LLC, complaint update

Stephens Dr. and Overbrook speed bump update

County IT RFP

Items tabled until April 15, 2024, meeting:

Post Audit Policy

Establish Road Committee

The motion carried by unanimous vote.

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5. CITIZEN PARTICIPATION

A. CITIZEN COMMENTS

- Laura Bennett, Planning and Zoning Administrator, announced the end of her time at the Charter Township of Superior being Wednesday, March 20, 2024.
- Brenda McKinney, former Township Treasurer, stated she was happy at the potential creation of a road committee.
- Latasha Golden, Sheffield Dr., spoke on the letter submitted by Deputy Supervisor, Irma Golden.
- Jerry Clifton, Pine Ct., gave an update on work on Stephens Dr.
- Michele Justice, Weeping Willow Ct., spoke about her negative experience with Infinity Homes.
- Brenda Baker, Ashton Ct., spoke on behalf of the Committee to Promote Superior Township C2PST.
- Donovan Golden, Sheffield Dr., spoke on behalf of Irma Golden, candidate for Township Supervisor and regarding the letter she submitted.
- Robert Penning, Pine Ct., raised a question about a sink hole in the middle of the street.
- Ramona Parker-Hayden, Stamford Rd., raised concerns about the financial status of the Township.
- Juan Bradford, Parks and Recreation Director, announced the annual Easter Egg Hunt.
- “JH”, Zoom, spoke about signage at Geddes Ridge.
- Michelle Morgan, ZOOM, raised concerns about communications between Infinity Homes and Supervisor Schwartz.
- Steph, ZOOM, asked if there was a benefit to the sexual harassment investigation if the results are not made public.
- Superior Resident, ZOOM, claimed the sexual harassment investigation results will not be released because it did not go the way Clerk Findley wanted.
- Michelle Morgan, ZOOM, continued with raised concerns between Infinity Homes and Supervisor Schwartz.
- Steph, ZOOM, asked why comments are not being addressed.

6. PRESENTATIONS AND PUBLIC HEARINGS

A. BROOKWOOD SUPERIOR PUBLIC HEARING

Public Hearing opened at 7:32a.m

Laura Bennett, Planning and Zoning administrator, explained what was on the table for the Brookwood Superior Community

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- Luke Bonner, Bonner Advisory Group, gave a presentation on behalf of the Brookwood Superior Community. *(Available at the end of these minutes)*
- Brenda McKinney asked what the price range is.
 - \$1200.00 on 1 bedroom \$1700.00-1800.00 on 2 bedroom with office and senior \$2200.00-\$2400.00 and townhomes built for sale.
- Zora Clifton asked where this community will be located.
 - Eastside of LeForge approximately a quarter mile south of the Hyundai Kia Technical Center.
- Martha Kern-Boprie raised concerns about the senior community accessibility.
 - The units that are targeted towards seniors are specifically single-story units.
- Bruce Coleman asked if there was a barrier proposed between standing property and the proposed community.
 - There will be no constructed barriers.
- Ramona Parker-Hayden asked if the developer has any pending litigation.
- Margery Dosey, asked about the timeline.
 - Groundbreaking is expected in 2025.
- David Phillips, asked for clarification on pricing model and if any of the property will be government subsidized.
 - The property will not be government subsidized.
- Michelle Morgan asked if Hyundai would consider installing electric vehicle chargers.
- Trustee Caviston asked what amenities are included in the senior housing.
 - There will be a community center/clubhouse, walking trails, pickleball courts, and maintenance.
- Trustee McGill asked if there is a reserve of senior homes for those who are on “fixed income.”
 - The business model does not allow for subsidized housing.
- Trustee Lindke reiterated the question about pending litigation and if there would be an escrow established.
 - No, there are no pending litigations. There will be an escrow bond posted, as is standard practice.

Public Hearing closed at 7:55p.m.

7. CONSENT AGENDA

It was moved by Treasurer Lewis supported by Trustee Lindke to approve the Consent Agenda with the removal of the following:

1. Approval of Minutes
2. Supervisor’s Report
3. Financial Report
4. Controller’s Report

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The motion carried by unanimous vote.

A. APPROVAL OF MINUTES

a. FEBRUARY 20, 2024

B. REPORTS

- **SUPERVISOR'S REPORT**
- **LIAISON REPORT ON PARKS & RECREATION COMMISSION MEETING**
- **COMMUNITY CENTER ADVISORY COMMITTEE**
- **DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, ORDINANCE OFFICER REPORT, PARKS COMMISSION MINUTES, SHERIFF'S REPORT, PLANNING AND ZONING REPORT, UTILITY DEPARTMENT'S REPORT, ASSESSING REPORT**
- **CONTROLLERS REPORT**
- **FINANCIAL REPORT, FEBRUARY**

C. COMMUNICATIONS

- a. **COMMITTEE TO PROMOTE SUPERIOR TOWNSHIP (C2PST)**
- b. **IRMA GOLDEN, DEPUTY SUPERVISOR, COMPLAINT LETTER**
- c. **WASHTENAW COUNTY SHERRIFF'S OFFICE RATE CHANGE NOTIFICATION**

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

8. ITEMS REMOVED FROM THE CONSENT AGENDA

A. APPROVAL OF THE MINUTES

It was moved by Trustee McGill supported by Trustee Secrest to approve the minutes (with the submitted amendments).

The motion carried by unanimous vote.

B. SUPERVISOR'S REPORT

- Trustee Lindke raised concerns about inconsistencies in requirements for the Clerk's signature in easements. She said two easements required the Clerk's signature and one (FF Acres Holding) did not since all were drafted by Fred Lucas, Township Attorney.
- Supervisor Schwartz clarified that only two of the easements were drafted by the Township Attorney.

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- Trustee Lindke said the FF Acres Holding easement (The Boro Restaurant) was signed in November without Board approval. She said the need for the Clerk's signature should be consistent.
- Trustee Lindke said the cost for appraisals (\$3500.00 per property) should be listed.
- Trustee Lindke brought up discussions about farming on the Rock Property and Clay Hill Farms, noting T.C. Collins might not be aware of his suggested involvement in farming at Clay Hill Farms according to Supervisor Schwartz's report.
- Trustee Lindke emphasized the need to separate the plans for Clay Hill Farms from the Rock Property farming, insisting on consulting T.C. and Juan Bradford, the Director of Parks and Recreation, before moving forward with any proposals.
- Trustee Lindke voiced concerns over the arrangement with Steve Peach farming the rock property, suggesting it might not represent fair market value due to the lack of a detailed agreement.
- Supervisor Schwartz responded to the concerns by detailing the work done by Steve Peach and T.C. with the excavator on the farm's soil.
- Supervisor Schwartz outlined the steps needed to prepare the soil for planting, including the clearing of debris and Steve Peach's involvement in turning the soil.
- Supervisor Schwartz acknowledged the need for further discussion and approval before proceeding with any plans involving Steve Peach's in-kind services for farming rights on the rock property.

C. SHERIFF'S REPORT

- Lieutenant Cratsenburg explained that the Infinity report is in the hands of the Prosecutor's office to review.

D. CONTROLLER'S REPORT

- Trustee Lindke requested that the Controller, Keith Lockie, be at meetings in the future.
- Trustee Lindke discussed the Controller's report about budget amendments, noting the unexpected salary increases for officials, trustees, and some utility staff in December. She asked about the procedures for amending the budget to accommodate these changes.
- Supervisor Schwartz referred to a case that is pertinent, indicating that at the December meeting, a 4% salary increase, decided upon at the budget hearing, is typically confirmed. He mentioned that there was a motion to grant an increase higher than 4%.
- Trustee Lindke stated that just because a certain increase is budgeted, it doesn't mean it must be approved. She mentioned the possibility of deciding on a different increase rate, such as 2%, and conducting research on salaries in surrounding communities to inform such decisions.
- Supervisor Schwartz mentioned a motion made for \$10,000.00 salary increases during a meeting without public notice.

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- Trustee Lindke responded that there were no \$10,000.00 increases, clarifying her understanding of the budget allocations and requesting to see the case mentioned by Schwartz.
- Trustee Lindke asked if there was a follow-up on the transition plan discussed in a previous meeting.
- Supervisor Schwartz confirmed he had discussed the transition plan.
- Trustee McGill indicated that Schwartz had replied in an email about the conversation with Keith regarding starting the transition in June and working with the trustees to develop a plan.
- Trustee Lindke acknowledged she had not seen the email but thanked the Board for the information.

9. UNFINISHED BUSINESS

It was noted that the three resolutions listed under “unfinished business” were discussed in the February 20, 2024, meeting and required only a vote today.

- **RESOLUTION 2024-08, AWARD BID FOR MACARTHUR PATHWAY**

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

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

**RESOLUTION TO AWARD BID FOR MACARTHUR BLVD PEDESTRIAN
PATHWAY PROJECT TO ALL STAR POWER EXCAVATION, LLC**

RESOLUTION NUMBER: 2024-08

DATE: FEBRUARY 20, 2024

WHEREAS, Sealed bids for the MacArthur Blvd Pedestrian Pathway project were received and publicly read aloud on Thursday, February 1, 2024, at 10:00 AM at the Township Hall of the Charter Township of Superior; and

WHEREAS, the project scope consists of installing an 8' wide HMA pathway along the north side of MacArthur Blvd from Stamford Rd to Harris Rd and a 6' wide concrete sidewalk connection to Fireman's Park; and,

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

WHEREAS, All Star Power Excavation, LLC. (herein referred to as the "Contractor"), located in Grosse Pointe Woods, Michigan is the apparent low bidder. OHM Advisors has had prior experience working with this Contractor in various local communities on projects similar in scope to this work, and OHM have no major concerns with the Contractors ability to perform this work to the satisfaction of the contract requirements; and,

WHEREAS, OHM also spoke with project references listed in the Contractors bid proposal and received positive feedback regarding this Contractors ability to perform similar work; and,

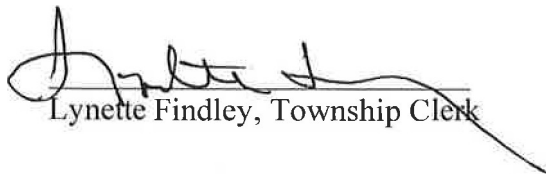
WHEREAS, The Township's available funding of \$133,591.00 from the Community Development Block Grant (CDBG) program through Washtenaw County OCED is allocated towards construction of the project; and,

WHEREAS, the funding from the Township for this is \$113,144.00.

NOW, THEREFORE, BE IT RESOLVED that the Charter Township of Superior Board of Trustees hereby awards the MacArthur Blvd Pedestrian Pathway project to All Star Power Excavation, LLC. for their bid in an estimated contract award amount of **\$246,735.00**.

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 March 18, 2024, 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

03/18/2024
Date Certified

Roll Call

Ayes: Trustee Lindke
Trustee Secrest
Supervisor Schwartz
Treasurer Lewis

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Trustee Caviston
Trustee McGill

Nays: None.

Absent: Clerk Findley

Motion carried by unanimous vote.

- **RESOLUTION 2024-09, AWARD BID FOR PLYMOUTH PATHWAY**

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

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

**RESOLUTION TO AWARD BID FOR PLYMOUTH RD PATHWAY PROJECT
TO ALL STAR POWER EXCAVATION, LLC**

RESOLUTION NUMBER: 2024-09

DATE: FEBRUARY 20, 2024

WHEREAS, sealed bids for the Plymouth Rd. Pathway project were received and publicly read aloud on Thursday, February 1, 2024, at 10:00 AM at the Township Hall of the Charter Township of Superior; and,

WHEREAS, the project scope consists of installing an 8' wide HMA pathway with concrete ADA ramps, driveway replacement (as necessary for path installation), tree removal, existing concrete ramp removal, a boardwalk and complete project cleanup and restoration. The project is located along Plymouth Road from Dixboro Road to 1300 ft east of Cherry Hill Road; and,

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

WHEREAS, All Star Power Excavation, LLC. (herein referred to as the "Contractor"), located in Grosse Pointe Woods, Michigan is the apparent low bidder.

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OHM Advisors has had prior experience working with this Contractor in various local communities on projects similar in scope to this work, and OHM have no major concerns with the Contractors ability to perform this work to the satisfaction of the contract requirements; and,

WHEREAS, OHM also spoke with project references listed in the Contractors bid proposal and received positive feedback regarding this Contractors ability to perform similar work; and,

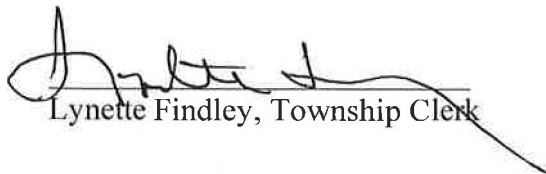
WHEREAS, the project has been awarded \$250,000 for construction by the Washtenaw County Parks and Recreation Commission's (WCPARC's) Connecting Communities Program, as well as \$300,000 for construction and engineering by the Michigan Natural Resources Trust Fund (MNRTF) Program through the Michigan Department of Natural Resources (MDNR). MDNR requires that the project be awarded to the lowest qualified bidder; and,

WHEREAS, the Charter Township of Superior's portion is \$319,870.00.

NOW, THEREFORE, BE IT RESOLVED that the Charter Township of Superior Board of Trustees hereby awards the Plymouth Rd. Pathway project to All Star Power Excavation, LLC. pending MDNR approval of the contract award, for their bid in an estimated contract award amount of **\$869,870.00**.

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 March 18, 2024, 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

03/18/2024
Date Certified

Roll Call

Ayes: Trustee McGill
Trustee Caviston
Treasurer Lewis
Supervisor Schwartz
Trustee Secrest
Trustee Lindke

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Nays: None.

Absent: Clerk Findley

Motion carried by unanimous vote.

- **RESOLUTION 2024-10, APPROVE PLYMOUTH RD PATHWAY CA/CE PROPOSAL FROM OHM**

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

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

**RESOLUTION TO ACCEPT THE PROPOSAL FOR ENGINEERING SERVICES
FOR THE PLYMOUTH ROAD PATHWAY PROJECT**

RESOLUTION NUMBER: 2024-10

DATE: FEBRUARY 20, 2024

WHEREAS, OHM Advisors has submitted a proposal to the Charter Township of Superior for construction engineering services for the Plymouth Road Pathway project, anticipated to begin construction in Spring 2024; and

WHEREAS, the proposed project consists of an 8-ft wide asphalt pathway along the south side of Plymouth Road from Dixboro Road to 1,300 ft east of Cherry Hill Road, including concrete ADA ramps, storm sewer, infiltration trenches, signal work, a boardwalk, and driveway replacement as necessary for path installation; and

WHEREAS, the project construction is to be partially funded through a \$300,000.00 grant from the Michigan Natural Resources Trust Fund (MNRTF) program and a \$250,000.00 grant from the Washtenaw County Parks & Recreation (WCPARC) Connecting Communities program; and

WHEREAS, bids for project construction were received on February 1, 2024, with a low bid of \$869,870.00 received from All Start Power Excavation, LLC; and

WHEREAS, OHM has outlined a comprehensive scope of services for construction administration, engineering/observation, and construction surveying with a

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total Not-to-Exceed Fee of \$118,000.00 for the completion of the project during the 2024 construction season and

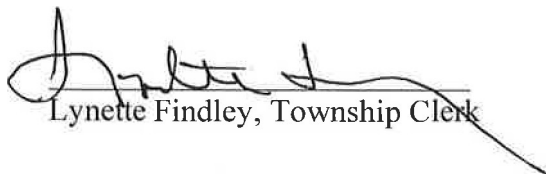
WHEREAS, OHM has submitted the following anticipated schedule of construction:

- **Contract Award** - February 20, 2024
- **Notice to Proceed** - March 29, 2024
- **Substantial Completion** – October 15, 2024
- **Final Completion** – November 15, 2024

NOW, THEREFORE, BE IT RESOLVED that the Charter Township of Superior Board of Trustees accept the submitted proposal from OHM Advisors for the Plymouth Road Pathway project for a total **Not-to-Exceed Fee of \$118,000.00**.

CERTIFICATION STATEMENT

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Lynette Findley, Township Clerk

03/18/2024
Date Certified

Roll Call

Ayes: Supervisor Schwartz
Trustee Secrest
Trustee Lindke
Treasurer Lewis
Trustee Caviston
Trustee McGill

Nays: None.

Absent: Clerk Findley

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Motion carried by unanimous vote.

GFL BIN LABELS

- Supervisor Schwartz mentioned he had reached out twice to GFL about bin labels but had not received a response regarding the relabeling.
- Trustee Lindke requested something in writing from GFL on the issue and asked to copy the Board, noting the ongoing issue for over a year and the community's continued inquiries.
- Supervisor Schwartz indicated he might have something in writing from January and offered to forward it to the Board, suggesting he could seek a more recent update if necessary.
- Trustee Lindke emphasized the importance of addressing community concerns visibly, suggesting a follow-up with GFL and keeping the Board informed.

PLYMOUTH RD PROPERTY SALE

- Supervisor Schwartz said every realtor is offering 6% percent commission and it will go to April meeting.

CONTRACTS RFP

- Supervisor Schwartz discussed the need for expertise in drafting the IT contract, acknowledging the Board's lack of competence in technical specifics like servers and connections. He proposed reaching out to Alex Williams, a computer engineer, for assistance, recalling a previous offer from Williams to help.
- Trustee Lindke recalled that in the last board meeting, Supervisor Schwartz mentioned he would contact someone at Washtenaw County for assistance but did not follow through. She offered to make the contact herself if needed.
- Supervisor Schwartz agreed to follow up on the matter and also accepted Trustee Lindke's offer to assist if necessary.

HR DIRECTOR UPDATE

- Trustee Lindke requested an update on the posting of the HR Director position.
- Supervisor Schwartz said he thought this was being handled by the appointed committee.
- Trustee Lindke clarified that the committee does not post things and asked Landis Smith, Deputy Clerk, if it was posted.
- Deputy Clerk Landis Smith answered that the position was posted and the last day to submit applications is 4:00 p.m. on Friday, April 12, 2024.

LASALLE UPDATE

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- Supervisor Schwartz mentioned a recent mediation with LaSalle that lasted three hours but was ultimately unproductive. He detailed that the opposing party demanded a significant sum to settle the case, while the Board proposed a much lower amount. The discussion was primarily between attorneys, with Schwartz observing. The mediation ended without agreement, leaving open the possibility of future negotiations.

10. NEW BUSINESS

A. ORDINANCE #174-27, FIRST READING

It was moved by Trustee lindke supported by Treasurer Lewis to perform the first reading of the proposed Ordinance #174-27.

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE #174-27

BROOKWOOD SUPERIOR TOWNSHIP AREA PLAN AMENDMENT

First Reading: March 18, 2024

Second Reading: _____

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

SECTION I

Charter Township of Superior Ordinance Number 174, designated Charter Township of Superior Zoning Ordinance, adopted August 4, 2008, and effective August 14, 2008, as amended, and the zoning district map attached thereto and made a part thereof are hereby amended from the present PC (Planned Community – Leforge Clark Estates) to PC (Planned Community – Brookwood Superior Township), Brookwood Superior Township, Special District Area Plan Amendment:

Parcel ID# J-10-33-300-001

LEGAL DESCRIPTION

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PART OF THE SOUTHWEST 1/4 OF SECTION 33, TOWN 2 SOUTH, RANGE 7 EAST, SUPERIOR TOWNSHIP, WASHTENAW COUNTY, STATE OF MICHIGAN, DESCRIBED AS: BEGINNING AT THE WEST 1/4 CORNER OF SAID SECTION 33; THENCE N.87°56'32"E., 2696.00 FEET ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 33 AS FENCED, MONUMENTED, AND PREVIOUSLY SURVEYED TO THE CENTER POST OF SAID SECTION 33; THENCE ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 33 AS FENCED, MONUMENTED, AND PREVIOUSLY SURVEYED, .02°27'10"E., 1035.48 FEET TO A LINE ESTABLISHED BY DEED RECORDED IN LIBER 3891, PAGE 492, AND MORTGAGE RECORDED IN LIBER 1467, PAGE 421 WASHTENAW COUNTY RECORDS, AND AS MONUMENTED, TAXED, FENCED, AND OCCUPIED; THENCE ALONG SAID LINE, S.87°56'50"W., 1340.80 FEET TO THE WEST 1/16TH LINE OF SAID SECTION 33; THENCE ALONG SAID 1/16TH LINE, N.02°51'03"W., 41.51 FEET; THENCE S.87°54'32"W., 79.38 FEET ALONG A LINE ESTABLISHED BY QUIT CLAIM DEED LIBER 5451, PAGE 467, AND MONUMENTED; THENCE ALONG A LINE AS MONUMENTED, FENCED, AND OCCUPIED, S.02°50'58"E., 944.76 FEET TO A LINE ESTABLISHED BY QUIT CLAIM DEED LIBER 5408, PAGE 574, QUIT CLAIM DEED LIBER 5116, PAGE 465, MONUMENTATION, FENCED, AND OCCUPIED; THENCE ALONG SAID LINE, S.87°35'37"W., 1255.01 FEET TO THE WEST LINE OF SAID SECTION 33; THENCE ALONG SAID WEST LINE, N.03°14'54"W, 939.48 FEET (922.46 FEET RECORD); THENCE N.87°56'32"E., 358.19 FEET; THENCE N.05°05'58"W., 695.92 FEET; THENCE S.87°56'32"W., 335.72 FEET TO THE WEST LINE OF SAID SECTION 33; THENCE ALONG SAID WEST LINE, N.03°14'54"W, 312.05 FEET (312.10 FEET RECORD) TO THE POINT OF BEGINNING AND CONTAINING 84.500 ACRES.

SECTION II

This Ordinance shall be published by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superiortownship.org pursuant to Section 8 of the Charter Township Act, being MCL 42.8, 3(b) within thirty (30) days following the final adoption thereof. This Ordinance shall become effective on the eighth day following said publication or such later date as is provided by law. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Trustee Secrest stepped out of the room.

Roll Call

Ayes: Supervisor Schwartz
Treasurer Lewis
Trustee Caviston
Trustee McGill
Trustee Lindke

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Nays: None.

Absent: Clerk Findley, Trustee Secest

Motion carried by unanimous vote.

B. RESOLUTION 2024-02, APPROVE AMENDED AUDIT ENGAGEMENT LETTER

The following resolution was moved by Trustee McGill supported by Trustee Lindke.

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

**RESOLUTION TO APPROVE AUDIT ENGAGEMENT LETTER
RESOLUTION NUMBER: 2024-02**

**DATE: JANUARY 16, 2024
AMENDED: MARCH 18, 2024**

WHEREAS, the Superior Charter Township Board of Trustees has reviewed the audit engagement letter presented by Pfeffer, Hanniford & Palka, Certified Public Accountants, detailing the scope and objectives for the audit of the financial statements of the Charter Township of Superior for the year ended December 31, 2023; and

WHEREAS, the audit engagement letter includes the auditing of the financial statements of the governmental activities, the business-type activities, each major fund, the aggregate remaining fund information, and the disclosures, which collectively comprise the basic financial statements of the Charter Township of Superior; and

WHEREAS, the engagement letter outlines the responsibilities of the auditors and the management, the audit procedures for internal control and compliance, the identification of significant risks, and the preparation of the financial statements in accordance with generally accepted accounting principles in the United States of America; and

WHEREAS, the Board acknowledges the importance of this audit in ensuring the financial integrity and transparency of the Charter Township of Superior.

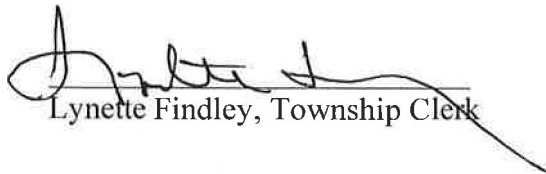
NOW, THEREFORE, IT IS HEREBY RESOLVED that the Superior Charter Township Board of Trustees approves the audit engagement letter from Pfeffer, Hanniford & Palka, as presented. The Township Supervisor is authorized to sign the response section of the engagement letter, confirming the Township's understanding and agreement to the terms of the audit engagement. All Township officials and staff are directed to cooperate fully with Pfeffer,

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Hanniford & Palka during the audit process and provide all necessary information and assistance as required. *Additionally, the Board of Trustees in the January 16, 2024, regular meeting, agreed to have Pfeiffer, Hanniford & Palka look into the accounting, policies and procedures of the Township escrow accounts. This will incur an additional fee up to \$5000.00.*

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 March 18, 2024, 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

03/18/2024
Date Certified

Roll Call

Ayes: Trustee Secrest
Trustee Lindke
Treasurer Lewis
Supervisor Schwartz
Trustee McGill
Trustee Caviston

Nays: None.

Absent: Clerk Findley

Motion carried by unanimous vote.

**C. RESOLUTION 2024-12, APPROVE OHM PROPOSAL FOR STAMFORD ROAD
WATER MAIN REPLACEMENT**

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

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

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**RESOLUTION TO APPROVE OHM PROPOSAL FOR ENGINEERING FOR THE
STAMFORD ROAD WATER MAIN REPLACEMENT**

RESOLUTION NUMBER: 2024-12

DATE: MARCH 18, 2024

WHEREAS, the Charter Township of Superior (the "Township") seeks to enhance its water distribution infrastructure for the benefit and welfare of its residents and businesses; and

WHEREAS, there is a need to replace the existing 16-inch cast iron water main along Stamford Road, between Norfolk Avenue and MacArthur Boulevard, which has experienced several breaks in recent years, with approximately 1,400 feet of proposed 12-inch water main and 200 feet of 8-inch water main; and

WHEREAS, OHM Advisors ("OHM") has submitted a proposal to the Township for construction engineering services for the Stamford Road Water Main Replacement project, designed by OHM, anticipated to begin construction in Spring 2024; and

WHEREAS, the scope of services provided by OHM includes, but is not limited to, contract administration, construction engineering/observation, construction staking, coordination with relevant stakeholders, and ensuring project completion in accordance with Township standards and timelines; and

WHEREAS, the total not-to-exceed fee for the construction engineering services as outlined in the proposal by OHM is \$65,000.00 (Sixty-Five Thousand Dollars); and

WHEREAS, the proposed timeline for the Stamford Road Water Main Replacement project is as follows:

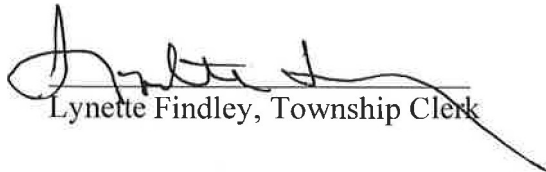
- 1) Contract Award – March 18, 2024
- 2) Notice to Proceed – April 8, 2024
- 3) Substantial Completion – May 24, 2024
- 4) Final Completion – June 14, 2024;

NOW, THEREFORE, BE IT RESOLVED, the Charter Township of Superior Board of Trustees hereby approves the proposal submitted by OHM Advisors for the Stamford Road Water Main Replacement project and authorizes the allocation of funds not to exceed \$65,000.00 (Sixty-Five Thousand Dollars) for the completion of this project.

CERTIFICATION STATEMENT

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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 March 18, 2024, 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

03/18/2024
Date Certified

Roll Call

Ayes: Trustee McGill
Trustee Caviston
Treasurer Lewis
Supervisor Schwartz
Trustee Secrest
Trustee Lindke

Nays: None.

Absent: Clerk Findley

Motion carried by unanimous vote.

**D. RESOLUTION 2024-13, APPROVE AMENDMENT TO PROGRAMMING
CONTRACT WITH WASHTENAW INTERMEDIATE SCHOOL DISTRICT**

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

- Margy Long thanked the Board of Trustees and provided a written report detailing their efforts, especially in supporting families in the MacArthur Boulevard area. She highlighted the organization of 16 parent cafes as support groups to strengthen families and three events aimed at building community connections.
- Margy shared a story about a recent event in January, a game night at the Superior Library that attracted 32 participants, expressing concern about exceeding the venue's capacity but ultimately finding success and support from the library staff. She emphasized the importance of providing positive activities for children in the area and the positive feedback from residents about the need for such events.
- Margy expressed a desire to extend the contract time (not the funds) to continue their work, especially through the summer, given the challenges in finding meeting spaces due to the main library's closure from flooding. She mentioned the importance of the library as an

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accessible location for families without transportation and the potential for organizing ride sharing to facilitate attendance.

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

**RESOLUTION APPROVING THE AMENDMENT TO THE PROGRAMMING
CONTRACT BETWEEN WASHTENAW INTERMEDIATE SCHOOL DISTRICT
(WISD) AND THE CHARTER TOWNSHIP OF SUPERIOR PARKS AND
RECREATION DEPARTMENT**

RESOLUTION NUMBER: 2024-13

DATE: MARCH 18, 2024

WHEREAS, on December 27, 2022, the Parties entered into a Programming Contract (the "Contract") under which WISD agreed to provide certain services to the residents of Charter Township of Superior;

WHEREAS, Article 4 of the Contract, entitled "Term", provides that the term of the Contract shall end on March 31, 2024;

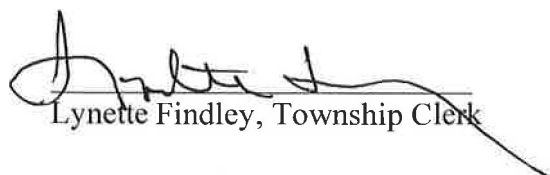
WHEREAS, due to unforeseen logistical issues, WISD has been unable to deliver all of the services outlined in the Contract prior to the original expiration date;

WHEREAS, acknowledging the value of the services to the community and the necessity to fulfill the agreed-upon services, the Parties wish to extend the term of the Contract;

NOW, THEREFORE, BE IT RESOLVED, that Article 4 of the Contract is hereby amended to extend the expiration date from March 31, 2024, to August 31, 2024, to ensure the completion of the services as initially agreed upon.

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 March 18, 2024, 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

03/18/2024
Date Certified

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Motion approved unanimously.

E. RESOLUTION 2024-14, APPROVE MASTER PLAN

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

- Ben Carlisle, Township Planner, expressed his satisfaction at reaching this point after three years of work and thanked the steering committee and Planning Commission for their hard work on the master plan document. He noted that while the plan does not introduce significant land use policy changes, it maintains the Township's longstanding vision while strengthening certain areas like natural resource and open space protection, and organized growth in areas with adequate infrastructure and transportation options.
- Carlisle highlighted the detailed work on the Dixboro special area plan, focusing on transportation, land use improvements, and public amenities, with strong support from the Dixboro community. He also mentioned the inclusion of graphics and visual aids to make the master plan document more accessible and useful.
- He emphasized that the master plan is a policy document intended to guide the Township's growth and development, and it should be used as a decision-making tool for land use decisions. Carlisle mentioned that following adoption, the next step would be to update the zoning ordinance to align with the master plan's vision.
- Supervisor Schwartz acknowledged the presentation, understanding it as a strengthening of the existing master plan without significant land use changes.
- Upon inquiry from Supervisor Schwartz about the timeline for starting a new zoning ordinance, Carlisle recommended starting immediately after the master plan's adoption and confirmed he would forward the proposal for review.
- Trustee Lindke asked Carlisle to summarize the feedback from the public hearing held by the Planning Commission.
- Carlisle described it as positive, with few residents attending and providing feedback that led to minor adjustments in the master plan, including changes to a parcel in the Dixboro area, reclassification around the hospital district, and adjustments to the implementation table for prioritizing certain actions. He noted the Planning Commission's unanimous recommendation of the master plan to the Township Board.

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

RESOLUTION ADOPTING THE 2024 COMPREHENSIVE MASTER PLAN

RESOLUTION NUMBER: 2024-14

DATE: MARCH 18, 2024

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WHEREAS, Charter Township of Superior has the authority to adopt, amend, and implement a Master Plan under the Planning Enabling Act MCL 125.3807; and

WHEREAS, the 2024 Master Plan proposes updates including growth management strategy, open space and land preservation, housing, environmental protection, transportation, and the inclusion of the Dixboro Special Area Plan; and

WHEREAS, these updates also include an updated future land use plan reflecting growth management strategies, updated demographics based on the recent Census, more graphics for readability and interest, a clarified connection between the Master Plan and Zoning Ordinance, and a detailed implementation matrix; and

WHEREAS, the approval process for the 2024 Master Plan included a draft presented by the Steering Committee to the Planning Commission on September 27, 2023, a recommendation from the Planning Commission on October 25, 2023, for a 63-day public review period, and a public hearing by the Planning Commission on February 28, 2024, after which the Planning Commission voted 7-0 to recommend the Township Board approve the 2024 Master Plan with specified amendments; and

WHEREAS, the Charter Township of Superior Planning Commission has recommended the adoption of the proposed Charter Township of Superior 2024 Comprehensive Master Plan, which complies with the Planning Enabling Act (MPEA); and

WHEREAS, the Township Board has reviewed the proposed Master Plan and the recommendations from the Planning Commission following the 63-day public review period that expired on January 24, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Charter Township of Superior Board of Trustees, in accordance with the Michigan Planning Enabling Act, hereby adopts the Charter Township of Superior 2024 Master Plan as the Master Plan for the future development of the Township and as the basis for the Township's Zoning Ordinance, and directs that copies of the adopted Master Plan be forwarded to Washtenaw County, all local units of government contiguous to the Township, and other entities as required by Section 43 (5) of the MPEA.

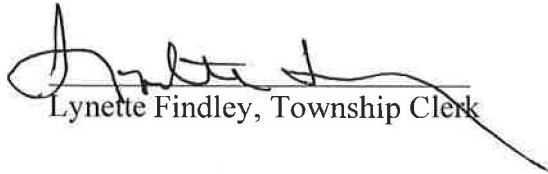
BE IT FURTHER RESOLVED that the Township Board hereby expresses its appreciation to the members of the Charter Township of Superior Planning Commission and the Steering Committee for their commitment to the Master Planning process and for their thorough and well-considered revisions and recommendations.

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

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correct copy of a resolution adopted at a regular meeting of the Charter Township of Superior Board held on March 18, 2024, 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

03/18/2024
Date Certified

Roll Call

Ayes: Trustee McGill
Trustee Caviston
Treasurer Lewis
Supervisor Schwartz
Trustee Secrest
Trustee Lindke

Nays: None.

Absent: Clerk Findley

Motion carried by unanimous vote.

F. RESOLUTION 2024-15, KINSLEY DEVELOPMENT AGREEMENT

Laura Bennett, Planning and Zoning Administrator, explained the resolution.

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

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

RESOLUTION TO APPROVE KINSLEY DEVELOPMENT AGREEMENT

RESOLUTION NUMBER: 2024-15

DATE: MARCH 18, 2024

WHEREAS, the Developer desires to develop a one-phase project, with an overall parcel of a size totaling approximately 35.16 acres located north of Plymouth-Ann Arbor Road and south of M-14 in the southeast quarter of Section 8, in accordance with the approved Final Site Plan dated January 12, 2024 (the "Development") as more particularly described in the attached Exhibit A; and

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WHEREAS, the Developer is developing the residential development pursuant to the Charter Township of Superior 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: open space, storm sewers and storm water management system, dry fire hydrant, private roads with shoulders, landscaping, 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 February 28, 2024, the Township approved, by action of the Charter Township of Superior Planning Commission, the Final Site Plan for the STPC #22-04, Kinsley Development, with conditions, ("Final Site Plan"), and all conditions of the Final Site Plan have been satisfactorily met; and

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 Charter Township of Superior 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 BE IT RESOLVED, in consideration of the premises and the mutual covenants of the parties described in this Agreement, and with the express understanding

**CHARTER TOWNSHIP OF SUPERIOR BOARD
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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:

GENERAL TERMS

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.

Zoning District.

The Township acknowledges and represents that the property is zoned R-2 (Rural Residential) for the Development and, for purposes of recordation, shall be referred to as Kinsley Development, and that the Developer's intended use as described herein is a permitted use under the R-2 (Rural Residential) zoning district designation.

Approval of Final Site Plan.

The Final Site Plan dated January 12, 2024, 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.

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.

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, 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.

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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.

PROVISIONS REGARDING DEVELOPMENT

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.

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.

Common Elements.

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

Open space
Detention areas
Storm water drainage; and
Any other items depicted in the Final Site Plan and designated as a Common Element.

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, open space, floodplain as depicted in the approved drainage plan and/or Final Site Plan.

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.

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Performance Guarantees.

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

All Site Improvements to be installed pursuant to the Final Site Plan and approved Engineering Plans.

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.

Completion of Site Improvements.

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.

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

**CHARTER TOWNSHIP OF SUPERIOR BOARD
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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.

Private Roads.

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

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.

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, 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

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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.

Engineering Approval of Plans.

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

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.

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.

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.

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.

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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.

Engineering and Certification.

Developer shall furnish as-built drawing plans signed and sealed by an engineer licensed in the State of Michigan indicating that the site grading, 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 storm sewer 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.

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.

Underground Utilities.

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.

Site Grading.

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.

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.

MISCELLANEOUS PROVISIONS

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.

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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.

Township Approval.

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

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.

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.

Preconstruction Meeting with Contractors.

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

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.

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.

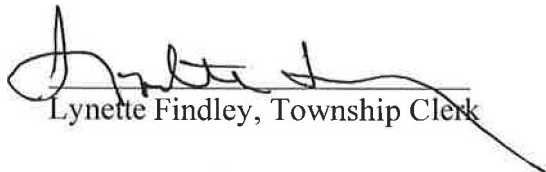
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Mutual Cooperation.

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 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 March 18, 2024, 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

03/18/2024
Date Certified

Roll Call

Ayes: Trustee McGill
Trustee Caviston
Treasurer Lewis
Supervisor Schwartz
Trustee Secrest
Trustee Lindke

Nays: None.

Absent: Clerk Findley

Motion carried by unanimous vote.

**CHARTER TOWNSHIP OF SUPERIOR BOARD
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G. RESOLUTION 2024-16, APPROVE SUPERIOR TOWNSHIP CLEAN UP DAY

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

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

**RESOLUTION TO APPROVE THE ESTABLISHMENT AND FUNDING OF THE
CHARTER TOWNSHIP OF SUPERIOR CLEANUP DAY**

RESOLUTION NUMBER: 2024-16

DATE: MARCH 18, 2024

WHEREAS, the promotion of environmental responsibility and community engagement are integral to the ethos of the Charter Township of Superior, aiming to foster a clean, safe, and vibrant community; and

WHEREAS, during the Board of Trustees meeting held on February 20th, the concept of a Charter Township of Superior Clean Up Day was introduced, underscoring the collective effort required to maintain the aesthetic and environmental integrity of our Township; and

WHEREAS, Deputy Supervisor Irma Golden has commendably agreed to lead this initiative, supported by the Parks & Recreation Commission, staff, and the Committee to Promote the Charter Township of Superior, exemplifying dedication to community service and environmental stewardship; and

WHEREAS, the proposed Charter Township of Superior Clean Up Day is scheduled for Saturday, April 20th, from 10:00 AM to 1:00 PM, thoughtfully chosen to coincide with Earth Day celebrations on April 22nd, thereby highlighting the Township's commitment to global environmental concerns and local action; and

WHEREAS, the event will commence at the Township Hall, where volunteers will be equipped with supplies and assignments, proceeding to designated areas to collect trash from nonmotorized trails, rights of way, and easements, with arrangements for the disposal of collected waste by GFL on the following Monday, ensuring an effective and organized clean up effort; and

WHEREAS, upon completion of their assignments, volunteers will gather back at the Township Hall to return supplies and enjoy a communal lunch, reinforcing community ties and expressing gratitude for their valuable participation; and

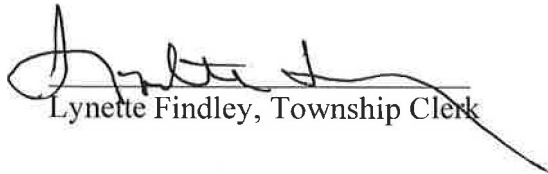
**CHARTER TOWNSHIP OF SUPERIOR BOARD
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WHEREAS, a budget of \$3,000.00 is proposed to be allocated from the General Fund to cover the expenses associated with organizing this event, including supplies, equipment, and refreshments, with the expectation that future events could benefit from reduced costs due to the reusable nature of many of the tools and safety supplies;

NOW, THEREFORE, BE IT RESOLVED, the Board of Trustees of the Charter Township of Superior hereby approves the organization of the Charter Township of Superior Cleanup Day on April 20th and authorizes the allocation of \$3,000.00 from the General Fund to facilitate this significant community initiative.

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 March 18, 2024, 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

03/18/2024
Date Certified

Roll Call

Ayes: Trustee Caviston
Trustee McGill
Trustee Lindke
Trustee Secrest
Supervisor Schwartz
Treasurer Lewis

Nays: None.

Absent: Clerk Findley

Motion carried by unanimous vote.

H. RESOLUTION 2024-17, APPROVE EASEMENT AGREEMENT, A AND L ENTERPRISES, LLC

Supervisor Schwartz explained the resolution and added that there will be a required \$3500.00 appraisal of the property.

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The following resolution was moved by Trustee McGill supported by Trustee Lindke.

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

**RESOLUTION TO APPROVE EASEMENT AGREEMENT, A AND L ENTERPRISES,
LLC**

RESOLUTION NUMBER: 2024-17

DATE: MARCH 18, 2024

WHEREAS, A and L Enterprises, LLC, whose address is 5340 Plymouth Road, Ste 103, Ann Arbor, MI 48105 ("Grantor"), being the title holder to a parcel of land located in the NE 1/4 of Section 18, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan, described in detail in the agreement, has agreed to grant certain easements to the Charter Township of Superior, whose address is 3040 North Prospect Road, Ypsilanti, MI 48198 ("Grantee"); and

WHEREAS, for and in consideration of One Dollar and No Cents (\$1.00), the Grantor grants to the Grantee a pathway easement, a temporary construction easement, and a drainage easement over, upon, across, in, through, and under the described parcel of land, along with the right to enter upon sufficient land adjacent to said easements for exercising the rights and privileges granted herein, subject to the terms and conditions set forth in the Easement Agreement; and

WHEREAS, this agreement serves the public interest by facilitating necessary infrastructure development and maintenance within the Charter Township of Superior; and,

WHEREAS, the Township will pay for an appraisal for a fee of \$3500.00.

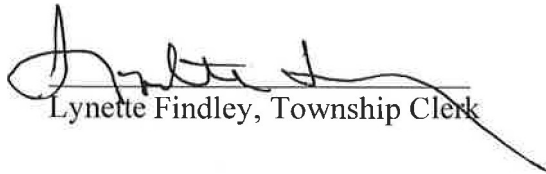
NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Charter Township of Superior that the Easement Agreement between A and L Enterprises, LLC ("Grantor") and the Charter Township of Superior ("Grantee"), which provides for a pathway easement, a temporary construction easement, and a drainage easement on the parcel of land described in the agreement, is hereby accepted.

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

**CHARTER TOWNSHIP OF SUPERIOR BOARD
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Superior Board held on March 18, 2024, 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

03/18/2024
Date Certified

Roll Call

Ayes: Trustee McGill
Trustee Caviston
Treasurer Lewis
Supervisor Schwartz
Trustee Secrest
Trustee Lindke

Nays: None.

Absent: Clerk Findley

Motion carried by unanimous vote.

I. RESOLUTION 2024-18, APPROVE EASEMENT AGREEMENT, ANDREW GRANT

Supervisor Schwartz explained the resolution.

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

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

RESOLUTION TO APPROVE EASEMENT AGREEMENT, ANDREW GRANT

RESOLUTION NUMBER: 2024-18

DATE: MARCH 18, 2024

WHEREAS, Andrew Grant, whose address is 5020 Plymouth-Ann Arbor Road, Ann Arbor, MI 48105 ("Grantor"), being the title holder to a parcel of land located in the NW 1/4 of Section 18, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan, more particularly described as Lots 11, 12 and Part of Lots 13 & 14, "Plat of Village of Dixboro," with Tax Identification Number J-10-18-261-007, has agreed to grant an easement to

**CHARTER TOWNSHIP OF SUPERIOR BOARD
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the Charter Township of Superior, whose address is 3040 North Prospect Road, Ypsilanti, MI 48198 ("Grantee"); and

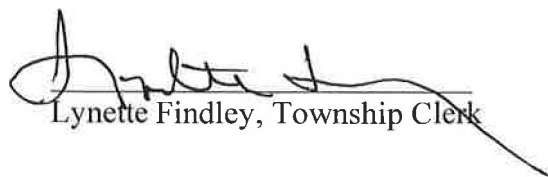
WHEREAS, for and in consideration of Fifteen Thousand Dollars and No Cents (\$15,000.00), the Grantor grants to the Grantee a pathway easement over, upon, across, in, through, and under the described parcel of land, along with the right to enter upon sufficient land adjacent to said pathway easement for exercising the rights and privileges granted herein, subject to the terms and conditions set forth in the Easement Agreement; and

WHEREAS, this agreement serves the public interest by ensuring the maintenance and enhancement of infrastructure within the Charter Township of Superior, thereby facilitating better access and drainage for the community,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Charter Township of Superior that the Easement Agreement between Andrew Grant ("Grantor") and the Charter Township of Superior ("Grantee"), which provides for a pathway easement on the parcel of land described in the agreement for the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00), is hereby accepted.

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 March 18, 2024, 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

03/18/2024
Date Certified

Roll Call

Ayes: Supervisor Schwartz
Trustee Caviston
Treasurer Lewis
Trustee McGill
Trustee Secrest
Trustee Lindke

Nays: None.

Absent: Clerk Findley

**CHARTER TOWNSHIP OF SUPERIOR BOARD
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Motion carried by unanimous vote.

J. RESOLUTION 2024-19, APPROVE EASEMENT AGREEMENT, FF ACRES HOLDINGS, LLC

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

- Trustee Lindke suggested adding a resolution that includes paying for the \$3,500.00 appraisal to the agreement, noting its absence in a previous similar case.
- Supervisor Schwartz confirmed the agreement appeared to have been passed in November, based on when he signed it.
- Trustee Lindke pointed out the lack of a signature line for the clerk in the document, advocating for consistency across agreements and suggesting that approval should be obtained prior to signing in the future.
- Supervisor Schwartz acknowledged that Lynette (the Clerk) needs to sign the document and include her title.
- Trustee Lindke reiterated the need for a designated space for the clerk's signature, similar to other agreements.
- Supervisor Schwartz agreed and mentioned a motion to support the addition.

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

**RESOLUTION TO APPROVE EASEMENT AGREEMENT, FF ACRES HOLDINGS,
LLC**

RESOLUTION NUMBER: 2024-19

DATE: MARCH 18, 2024

WHEREAS, FF Acres Holdings, LLC, with an address of 5400 Plymouth-Ann Arbor Road, Ann Arbor, MI 48105 ("Grantor"), being the title holder of the land described in Exhibit "A", and identified by Tax Identification Number J-10-18-100-014 as per Washtenaw County tax rolls, has graciously offered to grant a pathway easement to the Charter Township of Superior ("Grantee"), for the specific purpose of installing, repairing, replacing, and maintaining pathways and all necessary appurtenances within the granted easement; and

WHEREAS, the Grantor has committed not to construct, or allow others to construct, any permanent structures on the described easement, ensuring the Grantee unfettered access to exercise the rights and privileges granted herein without interference; and

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WHEREAS, the Grantee has agreed to bear the responsibility of restoring any premises disturbed by the exercise of the granted powers, rights, and privileges to their prior condition, thereby minimizing the impact on the Grantor's property; and

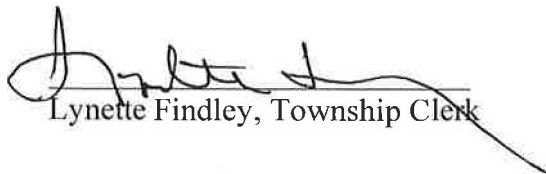
WHEREAS, this easement agreement, designed to mutually benefit both parties along with their successors, heirs, and assigns, establishes a legal and cooperative framework for the maintenance and utilization of the pathway easement; and,

WHEREAS, the Township will pay for the required \$3500.00 appraisal.

NOW, THEREFORE, BE IT RESOLVED the Board of Trustees of the Charter Township of Superior hereby accepts the pathway easement agreement between FF Acres Holdings, LLC ("Grantor") and the Charter Township of Superior ("Grantee"), as detailed in the attached Exhibit "A" and the parcel description provided.

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 March 18, 2024, 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

03/18/2024
Date Certified

Roll Call

Ayes: Supervisor Schwartz
Trustee Caviston
Treasurer Lewis
Trustee McGill
Trustee Secrest
Trustee Lindke

Nays: None.

Absent: Clerk Findley

Motion carried by unanimous vote.

**CHARTER TOWNSHIP OF SUPERIOR BOARD
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K. RESOLUTION 2024-20, APPROVE SERVICE CONTRACT WITH COUNTY OF WASHTENAW FOR YPSILANTI DISTRICT LIBRARY, SUPERIOR BRANCH, ROAD IMPROVEMENTS

The following resolution was moved by Trustee Lindke supported by Trustee McGill.

Supervisor Schwartz explained the resolution and said the repayment agreement with the library will be at the April meeting.

- Supervisor Schwartz explained the approval of a service contract with Washtenaw County for the Ypsilanti District Library (YDL), where the County agrees to donate \$40,000.00 to the Harris Road costs incurred by YDL, contingent on a matching \$40,000.00 contribution from the Township. This arrangement would reduce the amount the library owes the Township.
- Trustee Lindke questioned if the Township is essentially not paying an additional \$40,000.00 but rather fronting it and then being reimbursed by the County's contribution, seeking clarification on the financial implications.
- Supervisor Schwartz clarified that the library's debt would be reduced accordingly, illustrating with a hypothetical situation where the library's debt is decreased from \$100,000.00 to \$20,000.00 after the County's contribution and the Township's matching funds are accounted for.
- Trustee Lindke emphasized the need for clarity that the Township is not incurring additional costs but is engaging in a transaction that balances out, referencing a previous conversation with Nancy Mason confirming this understanding.
- Supervisor Schwartz agreed, confirming that the financial transaction is essentially a “wash”, with the Township not paying more but adjusting the library's debt.
- Trustee Lindke suggested adding a clause to the resolution to explicitly state that this transaction does not result in additional net expenditure for the Township, ensuring the arrangement is clearly understood as not increasing the Township's financial obligations. Lindke wanted to clarify that no more money will be paid by the Township.

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

**RESOLUTION TO ACCEPT SERVICE CONTRACT WITH THE COUNTY OF
WASHTENAW IN SUPPORT OF THE YPSILANTI DISTRICT LIBRARY'S
SUPERIOR BRANCH ROAD IMPROVEMENTS**

RESOLUTION NUMBER: 2024-20

DATE: MARCH 18, 2024

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WHEREAS, the County of Washtenaw, a municipal corporation with offices located in the County Administration Building, 220 North Main Street, Ann Arbor, Michigan 48107 ("County"), and the Charter Township of Superior located at 3040 North Prospect, Ypsilanti, MI, 48198 ("Contractor"), have agreed to enter into a service contract dated the 1st day of February 2024, aimed at enhancing the infrastructure and public services within the community; and

WHEREAS, the service contract is supported by Federal Award from the U.S. Department of Treasury under the Federal/State Contract Number SLRFRP0226, part of the American Rescue Plan - Coronavirus State and Local Fiscal Recovery Funds SLT-2294, with a CFDA Number of 21.027, ensuring full Federal Funding of 100%; and

WHEREAS, the scope of services under this contract includes the Contractor matching Washtenaw County's funding in support of the Ypsilanti District Library's - the Charter Township of Superior Branch Road improvements, a project required by the Washtenaw County Road Commission, to make the road safer and more accessible for the community; and

WHEREAS, the agreed compensation for the completion of the above services and submission of invoices by the Contractor is not to exceed \$40,000 (Forty Thousand Dollars), a sum that reflects the shared financial commitment of the parties to this project; and,

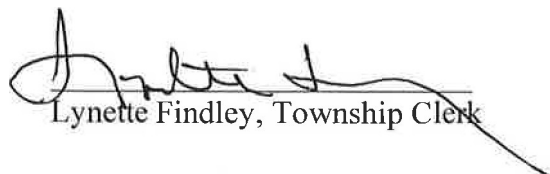
***WHEREAS**, this transaction does not result in any additional expenditure from the Township.*

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Charter Township of Superior accept the service contract dated the 1st day of February 2024, between the County of Washtenaw and the Charter Township of Superior, for road improvements at the Ypsilanti District Library - the Charter Township of Superior Branch.

BE IT FURTHER RESOLVED, the County will pay the "Contractor" (Charter Township of Superior) a compensation amount not to exceed \$40,000.00 (Forty Thousand Dollars) upon completion of the services and submission of invoices, in accordance with the terms of the contract.

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 March 18, 2024, 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

03/18/2024
Date Certified

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Roll Call

Ayes: Supervisor Schwartz
Trustee Caviston
Treasurer Lewis
Trustee McGill
Trustee Secrest
Trustee Lindke

Nays: None.

Absent: Clerk Findley

Motion carried by unanimous vote.

L. RESOLUTION 2024-21, BUDGET AMENDMENTS

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

- Trustee Lindke inquired about the Utility Fund, specifically questioning the reduction in the Controller's hours mentioned in the report. She sought clarification on who decided to lower these hours.
- Supervisor Schwartz explained that the reduction was self-implemented by the Controller due to training commitments, noting that the person is currently working about half of their usual hours. The specific number of hours varies depending on the workload.
- Trustee Lindke requested more precise information on the number of work hours, emphasizing the need for clarity since it impacts the budget.
- Supervisor Schwartz indicated the variability in the individual's workload makes it challenging to provide a consistent hourly count, suggesting that work hours fluctuate from week to week.
- Trustee Lindke further questioned if the adjustment in hours was exclusive to the Utility Fund or if similar changes were made in the General Fund, seeking clarification on the overall impact on budget allocations.
- Trustee Lindke raised another point regarding the budget for Parks and Recreation, specifically whether recent budget increases for equipment and other amendments, such as drainage and funding gaps addressed in February, were incorporated into the current budget amendment. She stressed the importance of reflecting all recent changes and commitments in budget amendments to ensure accuracy and transparency.

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- Supervisor Schwartz acknowledged a specific allocation of funds (e.g., \$200,000 for Fireman's Park) and agreed on the need to include recent work and amendments, like pathways and easements, in upcoming budget revisions.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN
BUDGET AMENDMENTS FOR ALL FUNDS**

RESOLUTION NUMBER: 2024-21

DATE: MARCH 18, 2024

WHEREAS, the Charter Township of Superior Board of Trustee's has carefully reviewed the Township's current spending, and

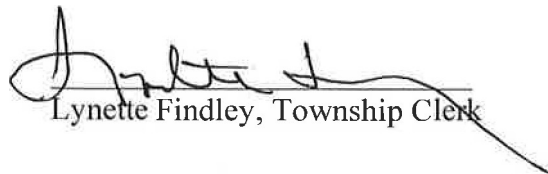
WHEREAS, the Charter Township of Superior Board of Trustees recognizes its responsibility to the citizens of the Charter Township of Superior to carefully monitor the Township funds and provide for the needs of the Township, and

WHEREAS, the Board of Trustees of the Charter Township of Superior has carefully reviewed the revenues and expenditures for 2024 and offers the following budget amendments.

NOW THEREFORE BE IT RESOLVED that the Charter Township of Superior Board of Trustees adopt the proposed budget amendments as set forth in the attached Controller's report.

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 March 18, 2024, 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

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Date Certified

The motion carried by unanimous vote.

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M. ORDINANCE #192-03, FIRST READING

Fire chief Vic Chevrette explained the need for an update to the Fire Code and Ordinance.

It was moved by Trustee Lindke supported by Trustee Secrest to perform the first reading of the proposed Ordinance #192-03.

CHARTER TOWNSHIP OF SUPERIOR, WASHTENAW COUNTY, MICHIGAN

ORDINANCE NUMBER 192-02

**ORDINANCE FOR THE ADOPTION OF THE 2024 INTERNATIONAL FIRE
CODE**

**First Reading: March 18, 2024
Second Reading: _____**

**AN ORDINANCE ADOPTING THE 2024 EDITION OF THE INTERNATIONAL
FIRE CODE, REGULATING AND GOVERNING THE SAFEGUARDING OF
LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING
FROM THE STORAGE, HANDLING, AND USE OF HAZARDOUS
SUBSTANCES, MATERIALS, AND DEVICES, AND FROM CONDITIONS
HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF
BUILDINGS AND PREMISES IN THE CHARTER TOWNSHIP OF SUPERIOR,
WASHTENAW COUNTY, MICHIGAN; PROVIDING FOR THE ISSUANCE OF
PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING
ORDINANCE NUMBER 192 OF THE CHARTER TOWNSHIP OF SUPERIOR
AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN
CONFLICT THEREWITH.**

Section 192-02.01. Short Title

This Ordinance shall be known and may be cited as the "Fire Prevention Code of the Charter Township of Superior."

Section 192-02.02. Adoption of Fire Prevention Code

The International Fire Code, 2024 Edition, as published by the International Code Council, is hereby adopted by reference as the fire code for the Charter Township of

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Superior, in its entirety, without modification. At least three (3) copies of the 2024 International Fire Code are on file in the offices of the Charter Township of Superior and are available for public inspection.

Section 192-02.03. Geographic Limits

The geographic limits referred to in certain sections of the 2024 International Fire Code are hereby established as follows:

(A) Section 5704.2.9.6.1: within any residential zoning district in the Township, or any non-agricultural zoned lot upon which a dwelling is located.

(B) Section 5706.2.4.4: within any residential zoning district in the Township, or any non-agricultural zoned lot upon which a dwelling is located.

(C) Section 5806.2: within any residential zoning district in the Township, or any non-agricultural zoned lot upon which a dwelling is located.

(D) Section 6104.2: within any residential zoning district in the Township, or any non-agricultural zoned lot upon which a dwelling is located.

Section 192-02.04. Inconsistent Ordinances Repealed

All ordinances or parts of ordinances in conflict with this ordinance or the 2024 International Fire Code as adopted herein are hereby repealed.

Section 192-02.05. Saving Clause

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 192-02.06. Effective Date

This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect immediately upon adoption and publication as required by law.

Roll Call

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Ayes: Trustee McGill
Trustee Caviston
Treasurer Lewis
Supervisor Schwartz
Trustee Lindke
Trustee Secrest

Nays: None.

Absent: Clerk Findley

Motion carried by unanimous vote.

N. MOTION TO APPROVE KOVALAK AMENDED CONTRACT TO INCLUDE INTERIOR PLUMBING

It was moved by Trustee Lindke supported by Trustee McGill to approve the Kovalak amended contract to include interior plumbing.

- Supervisor Schwartz described the contract's purpose as connecting the interior plumbing to the septic system, indicating it's a specific and necessary task.
- Trustee Lindke questioned if this task should have been included in the original contract or if it's appropriately addressed as an addendum.
- Supervisor Schwartz explained that the need for such work can arise unexpectedly, as the precise elevation for setting up the system can only be determined by executing the interior plumbing work and connecting it to the septic system. He mentioned a specific cost of \$1,750.00 for this task.

Roll Call

Ayes: Trustee McGill
Trustee Caviston
Treasurer Lewis
Supervisor Schwartz
Trustee Lindke
Trustee Secrest

Nays: None.

Absent: Clerk Findley

**CHARTER TOWNSHIP OF SUPERIOR BOARD
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Motion carried by unanimous vote.

O. LAND AGREEMENT FOR FARMING ON THE “ROCK PROPERTY”, STEVE PEACH

- Supervisor Schwartz introduced the topic of the land agreement for farming on the rock property with Steve Peach, covering 206 tillable acres, emphasizing the necessity of soil maintenance in agriculture to prevent invasiveness and explaining the inability to charge for the land use due to bond counsel advice related to sovereign bonds.
- Trustee Lindke expressed concerns about the need for the Township to receive fair market value for the land use and requested a written legal opinion on the matter, challenging the advice that income could not be derived from the property due to bond constraints.
- Attorney Fred Lucas indicated the need to review the bond language to clarify any prohibitions on obtaining a dollar value from the land use and offered to provide a legal opinion after consulting with bond expert Patrick McGow.
- Trustee McGill asked about opportunities for other community members to engage in farming on the property, leading to discussions about ensuring community access and the implications for future Parks and Rec programming.
- Trustee Caviston inquired about the acreage Steve Peach would be working with, clarifying the scope of the farming activities in relation to the total available land.
- Supervisor Schwartz defended the choice of Steve Peach for the farming agreement, emphasizing his suitability due to his local presence and commitment to agriculture, while acknowledging the legal and tax implications of such agreements that necessitate further investigation.

It was moved by Trustee Lindke supported by Treasurer Lewis to table this item until the April meeting.

Motion carried by unanimous vote.

P. APPROVE UTILITY DEPARTMENT PURCHASE OF LAWN EQUIPMENT

Rickey Harding, Utilities Superintendent, explained the need for the equipment and the process to get to the quotes that include trade in values for existing equipment.

It was moved by Trustee McGill supported by Treasurer Lewis to approve the Utility Department purchase of lawn equipment.

Roll Call

Ayes: Supervisor Schwartz
Treasurer Lewis
Trustee Caviston

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Trustee McGill
Trustee Lindke
Trustee Secrest

Nays: None.

Absent: Clerk Findley

Motion carried by unanimous vote.

11. BILLS for PAYMENT and RECORD of DISBURSEMENTS

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

The Board discussed the Bills for Payment and Record of Disbursements.

The motion carried by unanimous vote.

12. PLEAS and PETITIONS

- Treasurer Lewis shared that there are new financial procedures put in place to mitigate issues in the future.
- Trustee Lindke thanked Laura Bennett, Planning and Zoning Administrator for her service, questioned where Brenda McKinney's computer is, and questioned if there were any updates on the Rock Property easement.
- Trustee McGill raised a concern of lack of trust and suggested a potential committee of residents and she urged that people stop making untrue statements about her.
- Attorney Fred Lucas initiated an update on legal matters, stating he filed an answer and counterclaimed against Infinity, seeking triple damages. He clarified a misunderstanding regarding an agreement with Infinity, noting it was never finalized due to lack of board approval.
- Trustee Lindke inquired about the status of an agreement supposedly signed by the Supervisor and another party, questioning the necessity of board signatures on all escrow agreements.
- Lucas clarified that the agreement in question was intended to resolve a dispute but never proceeded to a formal agreement due to the Board's non-approval.
- Trustee Lindke further asked if the standard procedure involved signing all escrow agreements by the Board. Lucas explained that escrow handling is generally an administrative task, detailing the process involving bonds, letters of credit, or cash, and the administrative roles in managing these funds.

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- Trustee Lindke sought clarification on the normal process for escrow agreements, to which Lucas provided a detailed explanation of administrative responsibilities and the Board's lack of involvement in escrow fund management.
- Another board member pointed out that discovering improper payments is a matter for board attention. Lucas agreed, detailing his legal strategy against Infinity and expressing frustration with their refusal to return misallocated funds.
- Lucas further discussed the administrative aspect of establishing escrow accounts for ongoing work, separating this from his litigation efforts. He acknowledged the need for administrative diligence in setting and managing escrow amounts as dictated by project requirements.
- The conversation shifted to broader issues of bond management in development projects, with Lucas emphasizing challenges related to inflation and project longevity impacting bond values. He noted common difficulties in ensuring bonds remain adequate over extended development phases.
- Regarding a specific lawsuit mentioned by Lucas, he informed the Board of his intention to pass it to the insurance company for representation, also updating on the Schuster- Mouliere case's status, indicating ongoing appeals.
- Lucas reassured the Board members of his commitment to responsiveness and impartiality in communication, emphasizing his willingness to address any inquiries from them, irrespective of the nature of the query.
- Michelle Morgan, ZOOM, asked the Board to look into the code violations that occurred on 1707 Weeping Willow Ct.
- Steph, ZOOM, spoke against the proposed agreement for farming the Rock Property.
- Michelle Morgan, ZOOM, asked the Board to perform a forensic audit of the escrow.

13. ADJOURNMENT

It was moved by Trustee Secrest supported by Trustee McGill, that the meeting be adjourned.

The motion carried and the meeting adjourned at 9:33 p.m.

Respectfully submitted,

Lynette Findley, Clerk

Kenneth Schwartz, Supervisor

AM MEDIA SERVICES

March 11, 2024

Mr. Kenneth Schwartz
Supervisor, Superior Charter Township
3040 North Prospect Road
Ypsilanti, Michigan 48198

Re: Brookwood – Area Plan Amendment
Parcel No. J-10-33-300-001

Dear Supervisor Schwartz and Superior Township Board of Trustees:

Thank you for the Notice of Public Hearing for the proposed Area Plan Amendment of the above-mentioned residential development Brookwood. As the operator of the radio tower adjacent to this proposed project we felt it was our obligation to inform you of certain issues you may want to consider in deliberating this matter. Although we have no formal position either supporting or opposing the Area Plan Amendment and the project we believe the Township should consider certain factors.

WDEO's transmitter site at 340 Clark Road, Superior Township, Washtenaw County, Michigan consists of a seven (7) tower directional array, ground system and RF transmitter authorized by the Federal Communications Commission (FCC) to operate with a nominal power of 9,200 watts during daylight hours and 250 watts from sunset to sunrise. WDEO has maintained its transmitter site at this location with its presently authorized power and antenna patterns since 1997. Previous owners of the antenna have been operating at this location since November 16, 1962.

This is to inform the Superior Charter Township of two distinct hazards inherent in locating a housing complex in close proximity to an AM radio transmitting facility. The first is so-called **blanketing interference** which WDEO's signal would cause to users of electronic and telephone equipment within the proposed residential complex. The second is so-called re-radiation interference which various structures within the proposed complex would cause to WDEO radio, thereby interfering with and inhibiting the transmission of WDEO's signal to the public throughout southeast Michigan.

1. Blanketing Interference

When WDEO's antenna system was constructed, it was constructed in what was an uninhabited area, so that its so-called "blanketing contour", its field strength mathematically expressed as 1 V/m (or 1000 mV/m), would encompass few if any dwellings. The reason for this is that, pursuant to Section 73.88 of the FCC's rules (47 CFR §73.88), "the licensee of each [AM] broadcast station is required to satisfy all reasonable complaints of blanketing interference within the 1 V/m contour".

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What is "blanketing interference"? One engineering manual defines it as, "The interference that is caused by the presence of an AM broadcast signal of one volt per meter (V/m) or greater strengths in the area adjacent to the antenna of the transmitting station. The 1 V/m contour is referred to as the blanket contour and the area within this contour is referred to as the '*blanket area*'. " Another definition is, "A disturbance in consumer receivers located in the immediate vicinity of a transmitter, caused by currents directly induced into the consumer receiver's circuitry by the relatively high field strength of the transmitter."

What devices are adversely affected by "blanketing interference"? We are aware that "blanketing interference" adversely affects the performance and usefulness of a variety of electronic equipment, including broadcast radio receivers, telephones, answering machines, audio cassette players, CD players, VCRs, and an "audio system". Radio station audio can and will "leak" into telephone wiring and equipment located too close to an AM transmitter site. We are also aware that electric musical instruments (such as an organ) located too close to an AM transmitter site will involuntarily resonate with the AM signal being transmitted.

Were Superior Charter Township to authorize the construction of the residential development, WDEO would have no legal obligation to any of the residential dwellers to fix the problem. Section 73.318(b-c-d) of the FCC's Rules (47 CFR §73.318) states as follows:

(b) After January 1, 1985, permittees or licensees who either (1) commence program tests, or (2) replace their antennas, or (3) request facilities modifications and are issued a new construction permit must satisfy all complaints of blanketing interference which are received by the station during a one year period. The period begins with the commencement of program tests, or commencement of programming utilizing the new antenna. Resolution of complaints shall be at no cost to the complainant. These requirements specifically do not include interference complaints resulting from malfunctioning or mistuned receivers, improperly installed antenna systems, or the use of high gain antennas or antenna booster amplifiers. Mobile receivers and non-RF devices such as tape recorders or hi-fi amplifiers (phonographs) are also excluded.

(c) A permittee collocating with one or more existing stations and beginning program tests on or after January 1, 1985, must assume full financial responsibility for remedying new complaints of blanketing interference for a period of one year. Two or more permittees that concurrently collocate on or after January 1, 1985, shall assume shared responsibility for remedying blanketing complaints within the blanketing area unless an offending station can be readily determined and then that station shall assume full financial responsibility.

(d) Following the one-year period of full financial obligation to satisfy blanketing complaints, licensees shall provide technical information or assistance to complainants on remedies for blanketing interference.

Since WDEO has been operating at its present transmitter site with its currently authorized facilities for over nine (9) years, and a transmitter has operated at this location for 62 years, it has no responsibility to any future resident within its blanketing contour, financial or otherwise, to fix

any interference that may be caused to them or their electronic devices. Furthermore, the United States Court of Appeals for the 6th Circuit has confirmed that an individual would not have a cause of action in a civil court under a "common law nuisance" or other tort theory against WDEO, since Congress' adoption of the Communications Act of 1934, as amended (47 USC §151 *et seq*) permitting the FCC to adopt regulations relative to its licensees has pre-empted the civil courts from fashioning remedies and/or awarding money damages against broadcasters in interference matters. *Broyde v. Gotham Tower, Inc.*, 13 P.3d 994 (6th Cir. 1994).

2. Reradiation Interference

Federal standard 1037C defines "reradiation" as: (a) radiation, at the same or different wavelengths, *i.e.*, frequencies, of energy received from an incident wave; and (b) Undesirable radiation of signals locally generated in a radio receiver. Essentially, "reradiation interference" occurs when a transmitted signal deflects, or reflects, off a structure in close proximity to the transmitter, and then returns to the transmitter, thereby impeding the transmission of the signal. The FCC has determined that the potential for "reradiation interference" exists where a new structure is to be constructed within 3.2 kilometers (2.0 miles) of an existing AM transmitter site (47 CFR §73.1692). Unfortunately, the FCC's jurisdiction for the prevention of such reradiation interference extends only to the authorization of new or modified communications towers or structures. Nevertheless, the phenomenon of "reradiation interference" is not limited to communications towers, but could be caused by other structures in close proximity to an existing AM transmitter site. The proposed residential buildings could well cause "reradiation interference" to WDEO's existing transmitter site.

In determining who has an obligation to cure interference, the FCC uses the so-called "Newcomer Policy", first announced in *Midnight Sun Broadcasting Co.*, 11 FCC 1119 (1947), in which a "newcomer" has the liability and responsibility for resolving interference caused by its new facilities to other preexisting facilities in close proximity. This policy has been applied through the years by the FCC, including the following reported cases: *Sudbrink Broadcasting of Georgia*, 65 FCC 2d 691 (1977); *Jesse Willard Shirley*, 24 Pike & Fischer RR 2d 982 (1972); *Jack Straw Memorial Foundation*, 35 FCC 2d 397, recon. denied 37 FCC 2d 544 (1972); *Broadcast Corp. of Georgia (WVEU-TV)*, 96 FCC 2d 901 (1984); and *Western Cities Broadcasting, Inc.*, 5 FCC Red 6177 (1990). Further, and conversely to the *Broyde v. Gotham Tower* case discussed above, WDEO would have a case at "common law nuisance" and/or other tort theories against the owners of a new residential complex were reradiation interference to occur, because the housing operators would not be licensees of the FCC, and there are no federal statutes or FCC regulations which cover their activities, so that state law would not be "pre-empted".

We believe that it is in the interests of the prospective residents of this development that the applicant and/or developer agrees to (1) install at its own expense all necessary, filters, traps and other gear to eliminate "blanketing interference", (2) inform each prospective resident prior to the time that a sale/lease is signed as to the proximity of the WDEO transmitter site, the possibility that interference from WDEO might be caused to consumer electronics and/or telephone service, that WDEO as a matter of law has no obligation to fix the problem, but that the obligation to fix the problem rests with the developer/landlord, and that the developer/landlord will take all steps to fix the problem, and (3) takes all steps to prevent and/or remedy any "reradiation interference" that might be caused to WDEO by the construction of its buildings, including but not limited to

the installation of all effective traps, filters and other gear recommended by the WDEO engineering staff and its technical consultants.

We offer this to insure the officials of Superior Charter Township have all the necessary information available to make an informed decision concerning this application and that the rights and responsibilities of all parties are understood in this matter. We appreciate your consideration of these points and thank you for the opportunity to present our concerns.

Respectfully,

A handwritten signature in blue ink, appearing to read "Michael P. Jones", with a long horizontal flourish extending to the right.

Michael P. Jones
Vice President & General Manager

cc: Lynette Findley, Clerk, Superior Charter Township
Luke Bonnor, Bonnor Advisory Group

Supervisors report

1. Easements for Plymouth Road path.

These documents are the final easements for the path on Plymouth Road in Dixboro. They have been tough to get but we have all the easements we need, and the project can now commence. The easements from F&F are from the restaurant, the easement from A&L is from the Landau building and the final easement is from Andrew Grant. Andrew is the owner of the corner house on Dixboro and Plymouth. He will suffer the greatest burden.

F&F and A&L are donating the easements to the township on the condition we pay for an appraisal to establish the partial value so they can write off their donation through the IRS. Andrew Grant, however, was a holdout for money and wanted the same deal as Mr. Lawson. Fred and I worked him down to \$15,000.00 to compensate him for the loss of property, so there will be the cost of 2 appraisals and the purchase of the easement for \$15,000.00.

Fred agrees this is a fair deal all around and the easements are permanent, on private property and the owners have a right to be justly compensated.

2. Dixboro Green septic system

The amendment for the septic contract is so the contractor, Kovalak Septic, can do both the inside plumbing and the outside septic at the same time. It's a good price due to having to install and relocate new drainpipes in the crawl space and connecting the new drain to the septic and abandoning the old drain.

3. Clay Hill Farms

The Clay Hill Farms land clearing project continues. Our contractor has de-stumped the property. I've attached pictures of the current condition of the property. Our contractor says that the proper way to get this land and soil into farmable condition is to bulldoze the land with a root rake. Remove the disturbed roots. Then a tub grinder must be brought on site to grind all the roots, stumps, trees and branches into chips. The estimated cost for these services is around \$35,000.00. I'm getting a bid.

At this point the soil is not ready to be farmed. I've spoken with Steve Paech who farms the Rock property for us, and he has agreed as consideration for the land lease, he'll donate his time and equipment to till, harrow and disc the property. At this point T.C. can take possession and start his project. Steve has also agreed to be a farming consultant for the project.

I will be adding the Steve Peach land lease to the agenda, and he will be attending the meeting to answer questions about Clay Farms or the lease.

Washtenaw



**Success by 6 Great Start Collaborative
Trusted Parent Advisor Superior Township Grant
April 2023-February 2024**

The Trusted Parent Advisors held 16 parent cafes and three family events in Superior Township from April 2023 to February 2024. Of the Parent Cafes, 15 were held in the Ypsilanti District Library - Superior branch and one at Fireman's Park. In total, 115 families, (51 unduplicated families) participated in a total of 19 events.

The first family event was held at Fireman's Park. Forty-three people attended with dinner, old-fashioned games like kickball, and literacy stations for families that combined literacy and fun games. The second family event was in collaboration with the Washtenaw Area Council for Children (WACC) at the Ypsilanti District Library – Superior Branch. A staff member from WACC provided safe sleep training to pregnant people. With the completion of the training, families were given a pack-and-play for their newborns to sleep in safely. Five families participated in the event. This program helps to promote safe sleep habits for babies and prevents infant death and injuries.

In January, we held a family game night at YDL - Superior Branch and 32 people attended. We brought healthy food and games and encouraged families to get to know each other and have fun. The Trusted Parent Advisors created a Jeopardy game with family-friendly categories and families divided into two teams. There was lots of laughter and friendly rivalry between the teams. Although the event was for families, there are often children at the library who are not with their parents. To accommodate extra children, we ensure there is extra food and drink and include everyone in the fun. While our main goal is to provide a free fun activity, we also see families building a social support network.

We have assisted 39 families in enrolling in WIC, 8 families in preschool, 6 families in home visiting services, 7 families in Medicaid, and 6 families in the Supplemental Nutrition Assistance Program (SNAP). We had 5 families participate in Safe Sleep training, 1 family was referred to ABA therapy for Autism, 2 families enrolled in the Maternal Infant Health Home Visiting Program (MIHP), and 7 families were referred to Housing Access for Washtenaw County (HAWC) because of unstable housing. In January, we helped enroll three children in elementary and middle school, who had not attended school this year.

Our grant also supports families with basic needs and diapers. We have provided diapers and wipes for 61 children and basic needs for 21 families in Superior Township. We define basic needs as necessary items that cannot be purchased with SNAP benefits, such as laundry detergent, dish soap, toilet paper, and toiletries.

This is an overview of the *numbers* of our grant through February 2024. It doesn't begin to convey the impact these events have had on building stronger families in Superior Township. We appreciate the opportunity to present this data and its impact for families to the Board of Trustees.



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