

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
OCTOBER 21, 2024
PROPOSED 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 October 21, 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, Clerk Lynette Findley, Treasurer Lisa Lewis, Trustee Nancy Caviston, Trustee Rhonda McGill, and Trustee Bill Secret.

Absent: Trustee Bernice Lindke

4. ADOPTION OF AGENDA

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

The motion carried by unanimous vote.

5. PRESENTATIONS AND PUBLIC HEARINGS

None

6. CITIZEN PARTICIPATION

A. CITIZEN COMMENTS

- Trische Duckworth, Executive Director of Survivors Speak, thanked the Board for the allocated funds for the Civic Duty Education Night's and asked the Board for \$375.00 to host "Early Voting Party" at Fireman's Park.
- Supervisor Schwartz asked if the "Early Voting Party" effort will be a non-partisan event.
- Trische Duckworth assured the Board that it would be non-partisan.

It was moved by Trustee McGill supported by Clerk Findley to allocate \$375.00 to Trische Duckworth (Civic Duty Education Night) for "Early Voting Party (at Fireman's Park)."
The motion carried by unanimous vote.

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- Alicia Smith, Nottingham Dr., expressed her dissatisfaction with the Township’s trash collection services.
- Brenda Baker, Ashton Ct., spoke about the Committee to Promote Superior Township and spoke against the Garrett’s Space development agreement.
- Mary Glencer, Vorhies Rd., spoke against the Garrett’s Space development agreement.
- Michelle Justice, Weeping Willow Ct., raised concerns about the work of Infinity Homes LLC.
- Barbara Odom, Nottingham Dr., expressed her dissatisfaction with the Township’s trash collection services and the sidewalk repair program.
- Martha Kern-Boprie, Sheffield Dr., thanked the Board for proposing to increase the budget allocation for the Parks and Recreation department.
- Jack Smiley, Cherry Hill Rd., thanked Supervisor Schwartz for being the Supervisor for the past 8 years and thanked the Board for trusting the “Rock” property to the Parks and Recreation Commission.
- Juan Bradford invited everyone to the Township Parks and Recreation Pumpkin Carving and Crafts Day.

7. CONSENT AGENDA

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

1. **CONTROLLERS REPORT**
2. **MONTHLY FINANCIAL REPORTS**

The motion carried by unanimous vote.

A. APPROVAL OF MINUTES

1. **SEPTEMBER 16, 2024, REGULAR MEETING**

B. REPORTS

1. **SUPERVISOR**
2. **LIAISON REPORT ON PARKS & RECREATION COMMISSION MEETING – TRUSTEE LINDKE**
3. **RECREATION/COMMUNITY CENTER UPDATE – LYNETTE FINDLEY**
4. **DEPARTMENTAL REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, PARKS COMMISSION MINUTES, SHERIFF’S REPORT, UTILITY DEPARTMENT’S REPORT, ASSESSING REPORT**
5. **TREASURER’S RECONCILIATION**
6. **CONTROLLER’S REPORT**

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7. MONTHLY FINANCIAL REPORTS

C. COMMUNICATIONS

1. C2PST (COMMITTEE TO PROMOTE SUPERIOR TOWNSHIP)

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

8. ITEMS REMOVED FROM THE CONSENT AGENDA

A. CONTROLLER'S REPORT

- Supervisor Schwartz mentioned the need for a preliminary budget discussion but noted that the Township Controller, Keith Lockie, was not present at the meeting, despite being invited.
- Clerk Findley expressed concerns about Lockie's absence and suggested he in that position should be eliminated before the new Board takes over in November.
- Trustee McGill inquired about the progress on posting a job description for the Controller position, highlighting the importance of having clear communication and access to budget information.
- Supervisor Schwartz shared that Keith Lockie, the Township Controller, prefers receiving budget-related questions via email, a stance that Clerk Findley strongly disagreed with, arguing it showed a lack of respect for the Board.
- Clerk Findley criticized the lack of communication from the Controller regarding the Clerk's budget, pointing out that a permanent critical position was cut without discussion. She emphasized that the current situation required immediate attention.
- Trustee McGill asked Nancy Mason, the Township Bookkeeper, about a discrepancy on page 84 of the preliminary budget concerning the Parks and Recreation Department's cost-of-living adjustment (COLA), which appeared to show a flat rate despite a half-percent decrease.
- Trustee McGill also raised a concern about the budget reflecting a higher than usual need to borrow from reserves, which Supervisor Schwartz acknowledged, stating the figure was notably higher this year and questioned why the Supervisor needed a full-time deputy.
- Supervisor Schwartz clarified that the inclusion of a full-time deputy in the budget was based on a request from the incoming Supervisor, who plans to work full-time and appoint a full-time deputy. Clerk Findley questioned the necessity of this decision before the incoming supervisor assesses the office workload.
- Trustee McGill asked if the incoming Supervisor had confirmed whether the role would be full-time or part-time, with Supervisor Schwartz affirming it would be full-time based on his discussions.
- Supervisor Schwartz noted that the preliminary budget is subject to change over the next month, as adjustments continue based on feedback from department heads and the supervisor's assessment.

B. MONTHLY FINANCIAL REPORTS

9. UNFINISHED BUSINESS

A. RESOLUTION 2024-58, APPROVE THE UPDATED POLICY AND PROCEDURE FOR USE AND OPERATION OF TOWNSHIP POOL VEHICLES, TOWNSHIP-OWNED VEHICLES, AND THE USE OF PRIVATE VEHICLES FOR TOWNSHIP BUSINESS

It was moved by Trustee McGill supported by Clerk Findley to approve the resolution.

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

RESOLUTION TO APPROVE THE UPDATED POLICY AND PROCEDURE FOR USE AND OPERATION OF TOWNSHIP POOL VEHICLES, TOWNSHIP-OWNED VEHICLES, AND THE USE OF PRIVATE VEHICLES FOR TOWNSHIP BUSINESS

RESOLUTION NUMBER: 2024-58

DATE: SEPTEMBER 16, 2024

WHEREAS, the Charter Township of Superior currently maintains pool vehicles, Township-owned vehicles, and utilizes private vehicles for official Township business; and

WHEREAS, it is necessary to update and revise the Township's existing policy and procedure governing the use, operation, and maintenance of these vehicles to ensure proper use, compliance, and safety in the performance of Township duties; and

WHEREAS, the proposed updates to the policy include clear guidelines on the authorized use of vehicles, a quarterly maintenance schedule, and rules governing the use of private vehicles for Township business, which will strengthen compliance with legal and operational standards; and

WHEREAS, this attached updated policy, and procedure will enhance the accountability, transparency, and safety of Township employees in the use of Township resources; and

NOW, THEREFORE, BE IT RESOLVED that the Charter Township of Superior Board of Trustees hereby approves the updated Policy and Procedure for the Use and Operation of Township Pool Vehicles, Township-Owned Vehicles, and the Use of Private Vehicles for

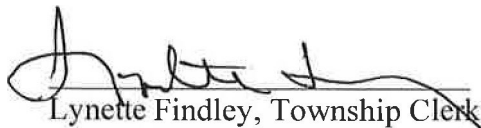
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Township Business as presented, including provisions to strengthen compliance, ensure regular maintenance, and promote the proper use of Township resources.

BE IT FURTHER RESOLVED that Township Administration shall implement the approved policy and ensure that all Township employees are informed and adhere to the updated procedures.

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 October 21, 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

10/21/2024
Date Certified

The motion carried by unanimous vote.

B. MOTION TO ACCEPT GIFTED PARCEL ON MIDWAY BOULEVARD

- Supervisor Schwartz discussed a parcel on Stamford and Midway, noting that it includes a five-acre property with a tail section on Midway Boulevard. This section has been used by Ypsilanti Township for access to their maintenance facility.
- Supervisor Schwartz mentioned that the property owner offered this tail section as a gift to the Township, expressing that it would be beneficial for the Township to accept, as it would ensure cooperation with Ypsilanti Township for access and potential utility installations.
- Trustee McGill confirmed that the deed for this arrangement was drafted by the Township Attorney, Fred Lucas.
- Supervisor Schwartz reiterated that this would give the Township control over the area and allow for easier management of adjoining parcels already owned by the Township.

It was moved by Treasurer Lewis supported by Trustee McGill to receive gifted parcel on Midway Boulevard.

Roll Call

Ayes: Treasurer Lewis
Trustee Secrest
Trustee McGill

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Supervisor Schwartz
Trustee Caviston
Clerk Findley

Nays: None.

The motion carried by unanimous vote.

C. ORDINANCE OFFICER – JOB POSTING

It was moved by Trustee McGill supported by Trustee Secret to approve the job posting.

- Supervisor Schwartz stated that an ordinance and zoning officer job description was drafted, which would be a full-time position combining ordinance enforcement and apartment inspections. He mentioned working with Bill Balmes, Building Official, to find a suitable candidate and said the role was budgeted at \$50,000.00 per year.
- Clerk Findley expressed concerns about the job description being lengthy and lacking salary guidelines. She emphasized the need to open the position to a fair search process and not just hire someone known to current staff.
- Trustee McGill raised questions about the qualifications listed in the job description, noting that requiring a background in law enforcement might be intimidating to residents. She suggested revising it to focus on compliance rather than law enforcement. She also mentioned that the proposed budget for the position was set at \$47,500.00 in both the building and law funds, effectively making it almost \$100,000.00. She emphasized the need for a thorough salary study to make an informed decision.
- Supervisor Schwartz clarified that the requirement was initially added by Bill Balmes for ordinance enforcement purposes but agreed it could be adjusted. He supported revisiting the description to ensure fairness and clarity. He also mentioned that the position's salary would be covered by fees from apartment inspections, suggesting that this could make the role budget neutral. He acknowledged that the Township has paid around \$45,000.00 for similar roles in the past but emphasized that this new position would encompass both ordinance and housing inspections.
- Clerk Findley reiterated the importance of reviewing the entire job description and opening the position to the public. She also reminded the Board that past hires without open processes have led to issues. She agreed that a Human Resource Director should review these matters to ensure proper oversight.
- Trustee McGill advocated for a more structured approach to decision-making and expressed concerns that the proposed budget seemed to suggest doubling the previous pay for similar roles. She proposed revising the job description before moving forward and called for a salary study to compare the compensation with market standards.
- Supervisor Schwartz suggested removing the item from the agenda until the next meeting to allow for further review and input. He acknowledged the importance of getting the salary right and proposed coming back with a revised plan in November or December.

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- Treasurer Lewis confirmed that the initial steps would involve reviewing the job description and determining a suitable salary.
- Trustee McGill agreed, noting the importance of ensuring taxpayer funds are managed responsibly, particularly if the final compensation would be near \$100,000.00.

It was moved by Trustee McGill supported by Trustee Secret to table this item to the November meeting.

The motion carried by unanimous vote.

10. NEW BUSINESS

A. RESOLUTION 2024-59, APPROVE GARRETT'S SPACE DEVELOPMENT AGREEMENT

It was moved by Trustee McGill supported by Clerk Findley to approve the resolution.

- Supervisor Schwartz introduced the resolution approving the Garrett's Space Development Agreement, noting that he had only seen it on Friday and felt unprepared due to lack of information additionally stating that Attorney Fred Lucas does not believe this should be approved as he feels it is incomplete.
- Clerk Findley countered, claiming that Supervisor Schwartz had received the same information via email as she had and criticized him for suggesting otherwise.
- Supervisor Schwartz recommended tabling the agreement, citing concerns that it was incomplete and lacking a conservation easement from the County.
- Trustee McGill said she was at that planning commission and invited Attorney Gerald Fischer to bring
- Attorney Gerald Fischer, representing Garrett Space, clarified that the conservation easement would be finalized before issuing a certificate of occupancy, as stipulated in the zoning and land use agreements, ensuring no delays in the project. He stressed that the agreements had been thoroughly reviewed by Attorney Fred Lucas and Ben Carlisle, Township Planner, ensuring everything was resolved.
- Trustee McGill asked for clarification on some public concerns regarding "institutional" definitions.
- Attorney Fischer explained they were only in the resolution and unrelated to the development agreement and could be adjusted separately.
- Clerk Findley urged the Board to proceed, emphasizing the importance of moving forward given the Planning Commission's approval and said, "This is about politics... Ugly politics."

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- Supervisor Schwartz raised concerns about approvals from outside agencies, specifically regarding sanitation and potential environmental impacts, citing the importance of ensuring no mechanical systems would discharge into local waterways.
- Candice Briere from Midwestern Consulting responded, confirming that the septic system had been approved by the Health Department, with the only pending permits being for minor wetland impacts related to road improvements. She assured the Board that approval from EGLE (Environment, Great Lakes, and Energy) was likely, given the nature of the project.
- Treasurer Lewis inquired if all necessary approvals were shared with the Board, with Candice Briere confirming that the Planning Commission had received the relevant documents.
- Supervisor Schwartz proposed delaying the vote for another month, citing significant public interest and the need to allow residents time to review the plan.
- Attorney Fischer expressed concerns over further delays, emphasizing that there was no practical benefit to postponing the decision. He reiterated that the Planning Commission and legal counsel had thoroughly vetted the agreements.
- Clerk Findley strongly advocating for an immediate vote, arguing that ongoing delays were detrimental and politically motivated.
- Supervisor Schwartz maintained his stance, suggesting that a final vote be deferred to allow for additional community input.
- Clerk Findley called the question.

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WASHTENAW COUNTY, MICHIGAN**

RESOLUTION APPROVING GARRETTS SPACE DEVELOPMENT AGREEMENT

RESOLUTION NUMBER: 2024-59

DATE: OCTOBER 21, 2024

WHEREAS, the Developer desires to develop Garretts Space, on seven (7) parcels that will be combined into one lot totaling approximately 76.0 acres. The site is located at 3900 Dixboro Road, located in Section 7 of the Township, in accordance with the approved Final Site Plan dated August 30, 2024 (the "**Development**") as more particularly described in the attached **Exhibit A**; and

WHEREAS, the Developer is developing the residential ~~and institutional use~~ development pursuant to the Superior Township Zoning Ordinance No. 174, and other applicable law; and

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WHEREAS, the Developer is using the property pursuant to the approved Garretts Space Zoning and Land Use Agreement; and

WHEREAS, the Developer desires to build all necessary on-site infrastructure for the Development, including but not limited to: well and septic, non-motorized trails, storm water management system, private drive, parking areas, and similar amenities in the Development ("**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 September 25, 2024, the Township approved, by action of the Superior Township Planning Commission, the Final Site Plan for STPC #23-03, Garretts Space, with conditions ("**Final Site Plan**") and all conditions of the Final Site Plan will be 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 Superior Township Zoning Ordinance requires the execution of a Development Agreement in connection with the approval of the Final Site Plan for the Development; and

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

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

**ARTICLE I.
GENERAL TERMS**

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Section 1.01 Recitals Part of Agreement.

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

Section 1.02 Zoning District.

The Township acknowledges and represents that the property is zoned PC, Planned Community District for the Development and, for purposes of recordation, shall be referred to as Garretts Space, and that the Developer's intended use as described herein is a permitted use under the PC, Planned Community District designation.

Section 1.03 Approval of Final Site Plan.

The Final Site Plan dated August 30, 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.

Section 1.04 Conditions of Final Site Plan Approval.

The Developer and the Township acknowledge that the approved Final Site Plan for the Development referenced in Section 1.03 incorporates the Township's complete and final approved conditions and requirements for the Final Site Plan that were adopted by the Township Planning Commission pursuant to recommendations by the consultants and departments of the Township. **Section 1.05 Agreement Running with the Land.**

The terms, provisions and conditions of this Agreement shall be deemed to be of benefit to the Development described herein, shall be deemed a restrictive covenant which shall run with the land and be binding upon and inure to the benefit of the parties and their successors and assigns, and binding upon the successors-in-interest to any portion of the Development, and may not be modified or rescinded except as provided in Section 3.01 below.

Section 1.06 Developer Responsibilities for Improvements and Assessments.

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

ARTICLE II.

PROVISIONS REGARDING DEVELOPMENT

Section 2.01 PD Agreement.

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

Section 2.02 Payment of Fees and Invoices.

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

Section 2.03 Common Elements.

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

- (a) Open space
- (b) Parking Areas
- (c) Private Drives
- (d) Pathways

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- (e) Detention areas
- (f) Storm water drainage; and
- (g) Any other items depicted in the Final Site Plan and designated as a Common Element.

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

Certain portions of the Development are to be used for storm water detention and drainage; recreation, open space, wetlands as depicted in the approved drainage plan and/or Final Site Plan. **Section 2.05 Changes and Improvements.**

Incidental changes to the Development, the Final Site Plan, or to the Site Improvements may be installed or constructed with the prior approval of the Township Building Official, Planning & Zoning Administrator, and the Township Supervisor set forth in Administrative Approval, of Zoning Ordinance 174 which approval shall not unreasonably be withheld. All other improvements and changes must be approved by the Township Planning Commission.

Section 2.06 Performance Guarantees.

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

- (a) All Site Improvements to be installed pursuant to the Final Site Plan and approved Engineering Plans.
- (b) All Site Improvements to be installed pursuant to the issuance of any Township building permit.

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.

Section 2.07 Completion of Site Improvements.

All Site Improvements will be installed in compliance with the approved Engineering Plan. 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.

Section 2.08 Fire Access

The required fire apparatus access road, as shown on the Final Site Plan, shall not obstructed in any manner, overhead utility and powerlines and/or tree branches shall not be located over the fire access road, and that the road is to be maintained (including snow removal) at all times. The minimum widths and clearances established in Section 503.2.1 and 503.2.2 shall be maintained at all times. **Section 2.09 Responsibility to Preserve, Retain, and Maintain the Development and Common Elements.**

The Developer shall regularly remove, but no less frequently than once a month, all construction debris and rubbish within the Development and for maintaining the function of all Common Elements. The Developer shall be responsible for the function and maintenance of all Common

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Elements. No burning of any kind will be allowed on the site, including the burning of trees, brush, stumps, or vegetative materials while clearing the site, or of construction materials during construction.

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

Section 2.10 Private Drives.

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

Section 2.11 Storm Water Management.

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

Section 2.12 Water Supply, and Sanitary Sewage Disposal Facilities.

Water supply in the form of on-site wells shall be provided to serve the uses on the Property, approved by the Washtenaw County Health Department. Sanitary sewage disposal shall be provided to serve the uses on the Property by on-site septic tanks and fields consistent with the plans and specifications approved by the Washtenaw County Health Department, with permit to be issued pending well installation.

Section 2.13 Escrow Amounts.

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

Section 2.14 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.

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Section 2.15 Construction Access.

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

Section 2.16 Construction Work Schedule.

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

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

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

Section 2.17 Engineering and Certification.

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

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

Section 2.18 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.

Section 2.19 Site Grading

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

(b) The Township shall have the right to spot-check certification grades at its own discretion.

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

ARTICLE III.

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MISCELLANEOUS PROVISIONS

Section 3.01 Amendment and Modifications.

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

Section 3.02 Governing Law.

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

Section 3.03 Township Approval.

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

Section 3.04 Developer Approval.

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

Section 3.05 Execution in Counterparts.

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

Section 3.06 Preconstruction Meeting with Contractors.

Prior to the commencement of any grading on the Development, the Developer or such other third parties shall schedule a meeting as per the Township's engineering standards with its general contractor, construction manager and the Township's applicable departments, officials, and consultants to review the applicable policies, procedures, and requirements of the Township with respect to construction of the Development.

Section 3.07 Fees.

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

Section 3.08 Recordation of Agreement.

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

Section 3.09 Mutual Cooperation.

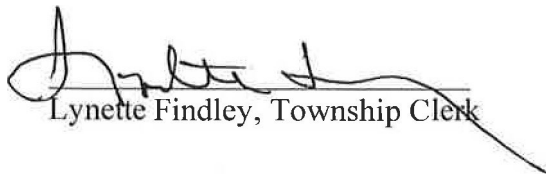
Each party to this Agreement shall (i) take all actions required of it by the terms of this Agreement as expeditiously as possible; (ii) cooperate, to the fullest extent possible, with the other party to this Agreement and with any individual, entity or governmental agency involved in or with jurisdiction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

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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 October 21, 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

10/21/2024
Date Certified

Roll Call

Ayes: Treasurer Lewis
Trustee Secrest
Trustee McGill
Clerk Findley

Nays: Supervisor Schwartz
Trustee Caviston

The motion carried by majority vote.

B. RESOLUTION 2024-60, ESTABLISH AND APPOINT MEMBERS TO THE ZONING ORDINANCE REWRITE STEERING COMMITTEE

It was moved by Trustee McGill supported by Trustee Secrest to approve the resolution.

- Supervisor Schwartz raised a question regarding the composition of the committee, noting that it included only three members from the Planning Commission, with no representatives from the Township Board.
- Clerk Findley explained that this structure was preferred by Carlisle and Wortman (Township Planners) and was consistent with practices in other jurisdictions.
- Supervisor Schwartz stated he had no issue with the three-members that were chosen.
- Trustee McGill suggested including a Board member who is also part of the Planning Commission.
- Supervisor Schwartz asked if there were any other concerns.
- Treasurer Lewis said she assumes the committee would report its findings to the Board.

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- Clerk Findley agreed that they would as they always do.

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WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION TO ESTABLISH AND APPOINT MEMBERS TO THE ZONING
ORDINANCE REWRITE STEERING COMMITTEE**

RESOLUTION NUMBER: 2024-60

DATE: OCTOBER 21, 2024

WHEREAS, the Superior Charter Township Board of Trustees, on April 2024, approved Resolution No. 2024-22 authorizing the Township to contract with Carlisle Wortman Associates (CWA) to undertake a comprehensive rewrite of Zoning Ordinance No. 174, originally adopted August 14, 2008; and

WHEREAS, significant progress has been made on the reorganization and restructuring of the existing Zoning Ordinance to improve clarity, ease of use, and functionality for the general public, applicants, Township staff, and the Planning Commission; and

WHEREAS, the next phase of the rewrite project involves amending the zoning language, with initial drafts of Articles 1-4 anticipated to be ready for review by October or November 2024; and

WHEREAS, a Zoning Ordinance Steering Committee (“Steering Committee”) is necessary to assist with planning, stakeholder engagement, policy development, and reviewing the proposed changes to ensure alignment with the revised 2024 Master Plan, community character, and goals for sustainable development; and

WHEREAS, at the September 25, 2024, Planning Commission meeting, three (3) Planning Commissioners—Jay Gardner, Thomas Brennan, and Nahid Sani-Yahyai—were identified to serve on the Steering Committee; and

WHEREAS, the Steering Committee is anticipated to meet no more than six (6) times, one (1) hour prior to regularly scheduled Planning Commission meetings, with the possibility of additional meetings outside regular meeting times, leading to a question of whether additional compensation is warranted for such time;

NOW, THEREFORE, BE IT RESOLVED that the Superior Charter Township Board of Trustees hereby:

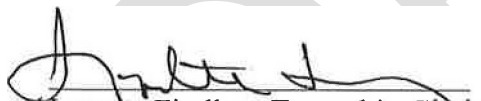
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1. Approves the establishment of the Zoning Ordinance Steering Committee for the purpose of providing oversight, engaging stakeholders, recommending policy updates, and reviewing the draft zoning ordinance.
2. Appoints the following Planning Commissioners to the Steering Committee:
 - **Jay Gardner**
 - **Thomas Brennan**
 - **Nahid Sani-Yahyai**
3. Directs the Steering Committee to convene no more than six (6) meetings, one hour prior to the Planning Commission meetings, unless additional meetings are necessary to complete the review process.

BE IT FURTHER RESOLVED that the Zoning Ordinance Steering Committee will submit its final recommendations to the Superior Charter Township Planning Commission and Township Board for review and approval.

CERTIFICATION STATEMENT

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Lynette Findley, Township Clerk

10/21/2024
Date Certified

Roll Call

Ayes: Treasurer Lewis
Trustee Secrest
Trustee McGill
Supervisor Schwartz
Trustee Caviston
Clerk Findley

Nays: None.

The motion carried by unanimous vote.

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**C. RESOLUTION 2024-61, APPROVE PURCHASE FOR UTILITY DEPARTMENT
HEAVY DUTY EQUIPMENT**

It was moved by Trustee McGill supported by Treasurer Lewis to approve the resolution.

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

**RESOLUTION TO APPROVE PURCHASE FOR UTILITY DEPARTMENT HEAVY
DUTY EQUIPMENT**

RESOLUTION NUMBER: 2024-61

DATE: OCTOBER 21, 2024

WHEREAS, the Superior Township Utility Department needs to purchase heavy duty equipment for its growing maintenance demands throughout the Township.

WHEREAS, equipment such as a Compact Track loader has been costly and rented annually to cut and remove overgrown brush from areas that require access to water valves or hydrants.

WHEREAS, the need for heavy equipment is becoming greater to adequately repair main breaks and address other needs for digging.

WHEREAS, it is recommended that Charter Township of Superior Board of Trustees approve the purchase of a Case TV370B compact track loader with attachments (pallet fork, HD dirt bucket with bolt on cutting edge, Paladin Bradco Ultra HD high flow shark brush cutter), a Kobelco SK85CS-7 and a GVWR equipment trailer from Southeastern Equipment Co. of Novi, Michigan via MiDeal in the amount of \$251,108.00.

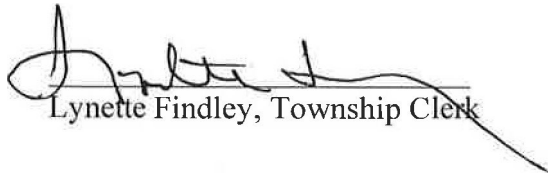
NOW, THEREFORE, IT BE RESOLVED that the Charter Township of Superior Board of Trustees hereby approves heavy duty equipment be purchased for the Utility Department from Southeastern Equipment Company for a total amount of \$251,108.00.

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

**CHARTER TOWNSHIP OF SUPERIOR BOARD
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Superior Board held on October 21, 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

10/21/2024
Date Certified

The motion carried by unanimous vote.

D. RESOLUTION 2024-62, APPROVE THE SALE OF TRAILER MOUNTED GENERATOR FOR UTILITY DEPARTMENT

It was moved by Treasurer Lewis supported by Clerk Findley to approve the resolution.

- Supervisor Schwartz asked Mary Burton, the Utility Director, if the decision would mean there would no longer be a portable standby generator available, specifically referring to a portable one.
- Mary Burton confirmed that the portable generator was previously used for the Clark Road lift station to keep it operational during power outages. However, since a built-in generator connected to a natural gas line has been installed, the portable generator is no longer needed. She assured the Board that the other lift stations are adequately equipped.
- Supervisor Schwartz sought clarification on whether the standby power was built into other locations, like the Prospect Pointe lift station.
- Mary Burton deferred to Ricky Harding, the Superintendent for the Utility Department, who confirmed that all other stations already have their own standalone generators.

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

**RESOLUTION TO APPROVE THE SALE OF TRAILER MOUNTED GENERATOR
FOR UTILITY DEPARTMENT**

RESOLUTION NUMBER: 2024-62

DATE: OCTOBER 21, 2024

WHEREAS, the Superior Township Utility Department owns a 20-year-old trailer mounted generator that was used for the old Clark Road Lift Station during power outages.

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WHEREAS, the trailer mounted generator is no longer needed after the new Lift Station was constructed.

WHEREAS, the trailer mounted generator is valued at approximately \$15,000.00 and YCUA is offering to buy it for \$18,000.00.

WHEREAS, it is recommended that Supervisor, Ken Schwartz, approve the sale of the trailer mounted generator to YCUA for \$18,000.00.

WHEREAS, MCL 42.10 (m) authorizes the Township supervisor to “conduct all sales of personal property which the Township board may authorize to be sold.”

NOW, THEREFORE, IT BE RESOLVED that the Charter Township of Superior Board of Trustees hereby authorizes the Supervisor to sell the trailer mounted generator for the amount of \$18,000.00 and deposit the proceeds into the Superior Township Utility Department Capital Reserves Fund.

E. RESOLUTION 2024-63, APPROVE THE REPLACEMENT FENCE FOR PROSPECT POINTE LIFT STATION

It was moved by Trustee Secrest supported by Trustee McGill to approve the resolution.

Supervisor Schwartz asked, and Mary Burton, Utility Director, confirmed that it would utilize the extruded aluminum black fence with a gate.

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

**RESOLUTION TO APPROVE THE REPLACEMENT FENCE FOR PROSPECT
POINTE LIFT STATION**

RESOLUTION NUMBER: 2024-63

DATE: OCTOBER 21, 2024

WHEREAS, the Prospect Pointe Lift Station was built, to serve as a temporary structure but has now been made a permanent structure.

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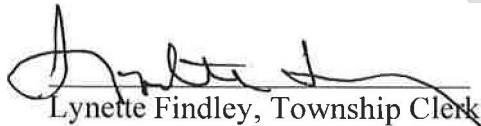
WHEREAS, the old chain link fence is now in need of replacement, the Prospect Pointe Lift Station will be more secure and less likely a target for tampering with iron rod fencing.

WHEREAS, it is recommended that Superior Charter Township Board of Trustees approve the replacement of the Prospect Pointe Lift Station fence in the amount of \$31,400.00 by Precision Fence LLC of Ypsilanti, Michigan.

NOW, THEREFORE, IT BE RESOLVED that the Superior Charter Township Board of Trustees hereby approves replacement of Prospect Pointe Lift Station fencing for the amount of \$31,400.00.

CERTIFICATION STATEMENT

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Lynette Findley, Township Clerk

10/21/2024

Date Certified

Roll Call

Ayes: Treasurer Lewis
Trustee Secrest
Trustee McGill
Supervisor Schwartz
Trustee Caviston
Clerk Findley

Nays: None.

The motion carried by unanimous vote.

F. RESOLUTION 2024-64, APPROVE TO ACCEPT THE MICHIGAN NATURAL RESOURCES TRUST FUND GRANT AGREEMENT FOR THE SUPERIOR GREENWAY NATURE PRESERVE ACQUISITION

It was moved by Treasurer Lewis supported by Trustee McGill to approve the resolution.

- Supervisor Schwartz asked if there was a name for the site.

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- Jack Smiley, Parks and Recreation Commissioner, responded that the area is part of the Greenway and is tentatively named "Birdsong Nature Preserve," which was met with approval.
- Supervisor Schwartz confirmed that the Township would receive \$1,050,000.00 from the State, and Ducks Unlimited would contribute \$300,000.00 towards the match.
- Jack Smiley assured the Board that the Township would not need to provide any match funds. Ducks Unlimited is providing \$300,000.00, and there is a pending grant application for an additional \$125,000.00. He is also in discussions with Ann Arbor and Washtenaw County for further funding. Should there be any shortfall, the Michigan Land Conservancy will cover it, following a similar arrangement used for the Cherry Hill Nature Preserve. Smiley emphasized that the Township would not be responsible for providing any matching funds.

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

**RESOLUTION TO ACCEPT THE MICHIGAN NATURAL RESOURCES TRUST FUND
GRANT AGREEMENT FOR THE SUPERIOR GREENWAY NATURE PRESERVE
ACQUISITION**

RESOLUTION NUMBER: 2024-64

DATE: OCTOBER 21, 2024

WHEREAS, Charter Township of Superior in the County of Washtenaw has applied for and been awarded a Michigan Natural Resources Trust Fund (MNRTF) grant to assist in the acquisition of land for the Superior Greenway Nature Preserve; and

WHEREAS, the Michigan Department of Natural Resources (DNR) has provided a grant agreement, project number TF23-0058, for the acquisition of 161.84 acres of land in Superior Charter Township for the purpose of resource protection and public outdoor recreation; and

WHEREAS, the total project cost is estimated at \$1,540,000.00, with the MNRTF providing \$1,020,000.00 in grant funds (67%) and the Township committing to provide \$520,000.00 as matching funds (33%); and

WHEREAS, the acquisition of this property will enhance the quality of life for Township residents and visitors by preserving open space, protecting natural resources, and providing opportunities for outdoor recreation; and

WHEREAS, the Township must comply with the terms and conditions outlined in the MNRTF grant agreement, including financial documentation, site maintenance, and public access requirements;

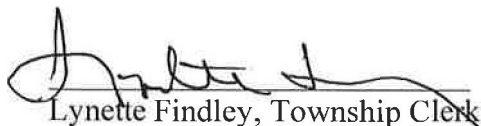
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NOW, THEREFORE, BE IT RESOLVED that the Superior Charter Township Board of Trustees hereby:

1. **Accepts the terms of the Michigan Natural Resources Trust Fund Grant Agreement** for the Superior Greenway Nature Preserve Acquisition Project No. TF23-0058.
2. **Commits to providing matching funds in the amount of \$520,000.00**, representing 33% of the total project cost, as required by the grant agreement.
3. Maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times in perpetuity.
4. Regulate the use of the property acquired and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. Comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

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 October 21, 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

10/21/2024
Date Certified

Roll Call

Ayes: Treasurer Lewis
Trustee Secrest
Trustee McGill
Supervisor Schwartz
Trustee Caviston
Clerk Findley

Nays: None.

The motion carried by unanimous vote.

G. APPROVE CONTRACT WITH CLR (COMMUNITY. LEADERSHIP. REVOLUTION)

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It was moved by Trustee McGill supported by Clerk Findley to approve the contract with CLR (Community. Leadership. Revolution.).

Roll Call

Ayes: Treasurer Lewis
Trustee Secrest
Trustee McGill
Supervisor Schwartz
Trustee Caviston
Clerk Findley

Nays: None.

The motion carried by unanimous vote.

H. RECEIVE PRELIMINARY BUDGETS 2025: ALL FUNDS

- Supervisor Schwartz opened discussion on the preliminary budgets for 2025, noting that Township Parks submitted a budget different from his own proposal. He said the primary difference was that Parks wants to make three of their workers full-time, which would cost an additional \$110,000.00 annually. He added that both versions of the Parks budget were included for review and determination at the next meeting.
- Trustee Caviston asked if the full-time employee budget request was reflected in revenue and expenses.
- Supervisor Schwartz confirmed that both requests were reflected in the documents, with the Parks' proposed budget compared to a standard 3.5% raise approach applied to other departments.
- Trustee McGill questioned the origin of the 3.5% rate and how it aligns with the existing budget, given the need to draw from reserves. Supervisor Schwartz replied that he based the 3.5% rate on cost-of-living adjustment data from the Department of Treasury, which indicated a 3.5% increase was appropriate.
- Trustee McGill expressed her concern over the lack of department head evaluations to generate merit-based increases. She said she felt this results in blanket increases without performance-based review, which she noted was an issue that had come up in previous years.
- Supervisor Schwartz responded that he had allocated \$12,500.00 in each of the General, Utility, and Parks & Rec Funds to cover management reviews, aimed at comprehensive evaluations for next year's budget cycle.
- Trustee McGill clarified that her concern was with department heads' responsibility to perform evaluations for their employees, as detailed in the employee manual. She said evaluations should be done as a matter of accountability.
- Clerk Findley asked whether the budget included a line for an HR Director, questioning why the role was absent.

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- Supervisor Schwartz admitted it wasn't included, explaining that the Board had not taken definitive steps toward hiring.
- Clerk Findley replied that an HR Director should be hired by November, noting the pressing need for HR oversight. She emphasized the importance of having HR expertise to avoid potential legal complications, stating that this has been a longstanding concern of hers.
- Trustee McGill agreed, urging that funds be set aside for an HR role, even as a consultant. She noted that after recent issues, HR support was crucial.
- Supervisor Schwartz suggested penciling in \$47,500.00 for the potential role, with flexibility for either consulting or part-time engagement.
- Trustee McGill proposed that the \$12,500.00 currently set for management reviews across departments be reallocated to cover the HR role, stressing efficiency.
- Supervisor Schwartz argued that the management reviews were still needed and should remain intact, particularly for utilities, general office, and parks, and he agreed the HR role allocation could be discussed further.
- Juan Bradford, Parks and Recreation Director, asked if the \$12,500.00 review allocation was indeed for each department, noting that fairness could be an issue given that different departments have varying staff sizes.
- Supervisor Schwartz confirmed that each allocation reflected estimates based on historical county costs, noting that funds are allotted for the general government, Parks, and Utilities departments.

I. MOTION TO SCHEDULE TRUTH IN TAXATION HEARING FOR NOVEMBER 18, 2024

It was moved by Clerk Findley supported by Treasurer Lewis to schedule Truth in Taxation Hearing for November 18, 2024

The motion carried by unanimous vote.

J. TREASURER'S REPORT, 2024 SPECIAL ASSESSMENTS

It was moved by Clerk Findley supported by Trustee Secrest to approve the 2024 Special Assessments.

Roll Call

Ayes: Treasurer Lewis
Trustee Secrest
Trustee McGill
Supervisor Schwartz
Trustee Caviston
Clerk Findley

**CHARTER TOWNSHIP OF SUPERIOR BOARD
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Nays: None.

The motion carried by unanimous vote.

11. BILLS FOR PAYMENT AND RECORD OF DISBURSEMENTS

It was moved by Trustee McGill supported by Treasurer Lewis, to receive Bills for Payment and Record of Disbursements.

- Trustee McGill noted a payment on page 213 related to the LaSalle lawsuit, specifically \$504.34 paid to Ron Denewith, Township Attorney, and asked if any action was taking place in the case.
- Supervisor Schwartz responded that the lawsuit was still in litigation, with the last action being a facilitation about six months ago. He mentioned that the case was currently in the discovery phase and was subject to a court scheduling order.
- Trustee McGill expressed concern about the lack of updates despite ongoing billing, noting that the latest payment approximately \$500.00. She emphasized that receiving updates on all legal matters would be appreciated before her departure from the Board to ensure nothing is left unattended.

The motion carried by unanimous vote.

12. PLEAS AND PETITIONS

- Crystal Lyte, ZOOM, who inquired about whom Bill Balmes, Building Official, wants to hire for the Ordinance Officer position and requested the individual's name and experience. Crystal also asked if there would be a salary review for the supervisor's salary based on experience.
- Emily, ZOOM, questioned why Attorney Fred Lucas was asking for a postponement of the decision if he had been working with Gerald Fisher. She expressed concerns that the Garrett Space conservation easement was being weakened in the development agreement, suggesting that they were shifting from a firm conservation easement to a deed restriction if the easement proved unattainable and also mentioned concerns regarding the use of the term "institution."
- BD, ZOOM, suggested that the Township Board consider looking into another township's approach to having an appropriate HR professional, including the possibility of outsourcing the position.

13. ADJOURNMENT

**CHARTER TOWNSHIP OF SUPERIOR BOARD
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It was moved by Treasurer Lewis supported by Trustee McGill, that the meeting be adjourned.
The motion carried and the meeting adjourned at 8:33 p.m.

Respectfully submitted,

Lynette Findley, Clerk

Kenneth Schwartz, Supervisor

DRAFT