

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
FEBRUARY 16, 2016
ADOPTED MINUTES
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1. CALL TO ORDER

The regular meeting of the Superior Charter Township Board was called to order by the Supervisor Kenneth Schwartz at 7:00 p.m. on February 16, 2016, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

The members present were Ken Schwartz, David Phillips, Brenda McKinney, Nancy Caviston, Rodrick Green, Lisa Lewis and Alex Williams.

4. ADOPTION OF AGENDA

It was moved by Green seconded by Caviston, to adopt the agenda as presented with the addition of Sutton Ridge – Redwood rezoning under Item 7, Presentations.

The motion carried by unanimous voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF JANUARY 19, 2016

It was moved by Green, seconded by Lewis, to approve the minutes of the regular Board meeting of January 21, 2016, as presented.

The motion carried by a unanimous voice vote.

6. CITIZEN PARTICIPATION

A. CITIZEN COMMENTS

Ellen Kurath commented about the Washtenaw County Road Commission Annual Meeting with the Township on April 18, 2016. She said the Township should consider going back to using calcium chloride instead of brine as it works better. She also suggested that the Road Commission do a better job of clearing out the ditches and suggested they use work release workers to do some of the labor.

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7. PRESENTATIONS

A. SUTTON RIDGE – REDWOOD REZONING

Kelli McIvor represented Sutton Ridge- Redwood. She explained that in order to reduce the impact the cul-de-sac was moved about 130' further away from the homes located along Avondale. "Grasscrete" will be used to connect the cul-de-sac to Avondale to provide a drive for emergency vehicles. A short portion of the north end of Meadhurst-Drive B was widened so that all of the Drive B ROW is 66' wide.

Members of the audience made the following comments:

Ken Hubbs, Kenwyck, had questions about the grasscrete drive.

Karen Michaels, Kenwyck, had questions about the grasscrete drive.

Gary Smith, Kenwyck, had questions about the grasscrete drive.

Tracy Pitt, E. Avondale, read a statement in which she indicated that condominiums were being constructed in nearby Canton Township. She questioned why condos could not be built on this site. She questioned why the apartments could not be constructed on another site in Superior Township. She suggested Board members visit Bromley Park to experience what a nice community it is. She said this apartment project is not like other Redwood projects because the access to this one is through an established home and condo community. She said their homes are their biggest investment and she urged Board members to not vote for it.

Kathy Smith, Kenwyck, said the garbage trucks and snowplows used for the apartments would have a negative effect on the roads in Bromley Condos, Phase 1 and inquired if the Road Commission would require a bond on Bromley Condos' roads.

Eric McWiggin, inquired about the water run-off from the grasscrete and questioned if the proposed area plan provided enough activities and quality of life for the residents.

Kim Roeloffs, W. Avondale, was concerned about the compatibility of the apartments with the condos and single family homes.

Gregg Pitt, E. Avondale, had concerns about sections of the planning consultant's report relating to compatibility.

Ken Hubbs, Kenwyck, commented that the roads in the apartments are private and that when someone is evicted and their property is removed, it will have to be placed on the nearest county road, which is Wexford.

Gary Smith, Kenwyck, said that the additional cars in the apartment complex may create a target for breaking into vehicles and vandalism.

Supervisor Schwartz said that based on the remarks heard from the various meetings he feels there are two themes, what will it do for property values and compatibility. The Township has hired Valbridge Property Advisors to complete a valuation study. He expects the study to provide empirical findings on the effect of having apartment complexes constructed close to single family homes. The compatibility issue will also be investigated.

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8. REPORTS

A. SUPERVISOR REPORT

Supervisor Schwartz reported on the following: Two Township employees recently passed away. Jan Berry, was Chair of the Parks and Recreation Commission for more than 20 years passed away on February 4, 2016. Charles Swanson, was contracted for over ten years to maintain the common areas in the Oakbrook and Washington Square Subdivision passed away last Friday. Both did an excellent job, contributed a great deal to the Township and will be missed. The Horder's Task Force has been working with Mr. Burley at 6645 Warren Road on improving the inside of his home. No progress has been made on the outside yard. The Township will probably have to hire a contractor to enforce the Court's clean-up order. The Washtenaw County Road Commission will conduct its annual meeting with the Township on April 18. The Township will probably have to pay for 50% of the repair costs of the culvert at Cherry Hill near Ridge. It is expected to cost \$300,000 to \$400,000. Supervisor Schwartz and Treasurer McKinney are on a committee with the Ypsilanti Community School (YCS) district to recommend what the district should do with their vacant, unused schools. YCS has 20 buildings but only needs 5-8 of the buildings. There was discussion on what to do with vacant schools, particularly Cheney. The State Attorney General has filed suit against Fairfax. They assert that the facility should be licensed and have asked the court to close it. Supervisor Schwartz provided the Board with bids on a new Ford Expedition for use by the Fire Chief. There was discussion on the necessity of the truck, what it will be used for and how it fits into the budget. It was moved by Caviston, seconded by McKinney, to approve the purchase of the 2016 Ford Expedition from Gorno Ford with extras for a total not to exceed \$38,857. The motion carried.

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

It was moved by Green, seconded by McKinney, that the Superior Township Board receive all reports.

It was noted that the Fire Department is using a new format for their reports.

The motion carried by unanimous voice vote.

8. COMMUNICATIONS

There were no communications.

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9. UNFINISHED BUSINESS

A. ORDINANCE 174-18, SUTTON RIDGE – REDWOOD ACQUISITION LLC, AREA PLAN AMENDMENT

It was moved by Caviston, seconded by Green, to postpone action on Ordinance 174-18 until the Board's regularly scheduled meeting of March 21, 2016.

10. NEW BUSINESS

A. RESOLUTION 2016-01, ORDINANCE NO. 190, ADOPTION OF THE 2012 INTERNATIONAL FIRE CODE

Supervisor Schwartz explained that it was necessary for the Township to adopt and operate under the 2012 International Fire Code.

It was moved by McKinney, seconded by Williams, for the Board to approve the following resolution:

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

RESOLUTION ESTABLISHING ORDINANCE NO: 190

Fire Prevention Code of the Charter Township of Superior

Resolution Number: 2016-01

Date: February 16, 2016

WHEREAS, the Charter Township of Superior is currently operating under Superior Township Ordinance 154, the "Fire Prevention Code of the Charter Township of Superior, Ordinance No. 154", passed by the Superior Township Board of Trustees October 15, 2001; and,

WHEREAS, fire science is an ever evolving subject with amendments and new procedures being adopted as public policy from time to time; and,

WHEREAS, the International Fire Code was updated and modified in 2012 as new rules and procedures were promulgated by the International Code Council thus requiring the repeal and replacement of inconsistent township ordinances thereof.

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NOW THEREFORE, BE IT RESOLVED that the Superior Township Board of Trustees hereby introduces Ordinance 190 which shall be known as the “Fire Prevention Code of the Charter Township of Superior”.

BE IT FURTHER RESOLVED that upon final approval and adoption, Superior Township Ordinance 154, effective October 15, 2001, is hereby repealed.

CERTIFICATION

I, David Phillips, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Superior Charter Township Board held on _____ and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

David Phillips, Superior Township Clerk

The motion carried by a unanimous voice vote

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

ORDINANCE NUMBER 190

ORDINANCE FOR THE ADOPTION OF THE 2012 INTERNATIONAL FIRE CODE

AN ORDINANCE ADOPTING THE 2012 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 FOR HAZARDOUS USES OR OPERATIONS, REPEALING ORDINANCE NUMBER 154 OF SUPERIOR CHARTER TOWNSHIP AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN

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CONFLICT THEREWITH.

**THE CHARTER TOWNSHIP OF SUPERIOR WASHTENAW COUNTY, MICHIGAN
ORDAINS:**

Section 190.01. Short Title

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

Section 190.02. Adoption of Fire Prevention Code

The International Fire Code, 2012 Edition, including Appendix Chapters A, B, C, D, E and G, (see International Fire Code Section 101.2.1, 2012 edition) as published by the International Code Council, is hereby adopted by reference as an ordinance of the Charter Township of Superior, with the additions, insertions and changes as hereafter provided in Section 190.03; and each and all of the regulations, provisions, conditions, and terms of such International Fire Code are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance. At least three (3) copies on file in the offices of the Charter Township of Superior,

Section 190.03. Changes in Code

That the following sections are hereby revised:

- (A) **Section 101.1 Title.** These regulations shall be known as the Fire Code of Charter Township of Superior, hereinafter referred to as "this code."
- (B) **Section 109.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be responsible for a municipal civil infraction, punishable by a fine of not more than five hundred dollars (\$500). Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (C) **Section 111.4. Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500).

Section 190.04. Geographic Limits

The geographic limits referred to in certain sections of the 2012 International Fire Code are hereby established as follows:

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(A) **Section 5704.2.9.6.1** (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): 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** (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): within any residential zoning district in the township, or any non-agricultural zoned lot upon which a dwelling is located

(C) **Section 5806.2** (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): within any residential zoning district in the township, or any non-agricultural zoned lot upon which a dwelling is located

(D) **Section 6104.2** (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): within any residential zoning district in the township, or any non-agricultural zoned lot upon which a dwelling is located

Section 190.05. Inconsistent Ordinances Repealed

All ordinances adopting the prior versions of the International Fire Code are repealed, including without limitation Ordinances 131 and 154, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 190.06. Saving clause

(A) That 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. The Township Board hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(B) That nothing in this Ordinance or in the International Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinances hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 190.07. Effective Date; Publication

This Ordinance shall be published in the Ann Arbor News, a newspaper having general circulation in said Township and shall become effective thirty (30) days after publication.

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YEAS:
NAYS:
ABSENT:

Ordinance Declared Adopted on _____, 2016.

Kenneth Schwartz
Township Supervisor

CERTIFICATE OF ADOPTION AND PUBLICATION

I, David Phillips, the duly elected Clerk of the Charter Township of Superior, certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Superior on _____, 2016 and published in a newspaper, circulated in the Charter Township of Superior on _____, 2016.

David Phillips, Clerk
Charter Township of Superior

B. RESOLUTION 2016-02, ZONING MAP AMENDMENTS

Supervisor Schwartz indicated that it was determined that numerous amendments to the zoning were needed.

The following resolution was moved by Green, seconded by McKinney:

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN
RESOLUTION CORRECTING OFFICIAL TOWNSHIP ZONING MAP**

Resolution Number: 2016-02

Date: February 16, 2016

WHEREAS, the Charter Township of Superior is required by the Michigan Zoning Enabling Act to maintain an official zoning map of the township for all parcels and districts.

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WHEREAS, township officials have discovered minor discrepancies in the official zoning map; and,

WHEREAS, the township needs to correct minor errors and omissions and update and produce an official 2016 Superior Township zoning map.

NOW THEREFORE, BE IT RESOLVED that the Superior Township Board of Trustees hereby approves the following changes to the Superior Township official zoning map and authorizes the Superior Township administrative staff to produce a 2016 official Superior Township zoning map for review and adoption.

Errors and correction on the 2009 official Superior Township zoning map

1. **Mystic Forest Condo PC– J-10-08-300-007.** The 2009 official zoning map shows the PC district for the Mystic Forest condo that includes an extra parcel. This parcel is not included in the approved Mystic Forest Area Plan and the legal description for the lot does not refer to “Mystic Forest Condominium” as do all of the lots in the condo.

Mystic Forest Condo was never drawn onto the 1978 official zoning map. When it was drawn on the 2009 map, it was drawn incorrectly to include the extra parcel.

Approved - Change the 2009 official map to remove parcel J-10-08-300-007 from PC to R-1.

2. **Plymouth Nursery - J-10-02-400-023.** The nursery was expanded and rezoned to PC in 2006. The 1978 official zoning map was drawn incorrectly and did not include the expansion parcel (2.96 acre). The error was carried over to the 2009 official map. A note was made on the official map indicating the change, however it was not co-signed by the Township Supervisor as has been done historically.

Approved - change the official zoning map to include the 2.96 acres on the western side of parcel as the PC.

3. **3616 Dixboro Road – J-10-07-300-018.** The parcel was rezoned from A-2 to R-2 on 3-5-90. The change was not drawn on the 1978 official map. This error was carried over onto the 2009 official map.

Approved – Change the 2009 official map to show the parcel as R-2.

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4. **1745 Prospect Road J-10-33-400-033 and 1725 Prospect Road J-10-33-400-034**
These two lots were incorrectly changed from A-2 to R-3 on the 1978 official zoning map and transferred over onto the 2009 official zoning map. According to the Township Board minutes of 8-1-88, the two parcels that should have been changed to R-3 were **1693 Prospect Road J-10-33-400-031 and 1691 Prospect Road J-10-33-400-032.**

Approved– Change the official map to show 1725 and 1745 Prospect Road as A-2, and change the official map to show 1693 and 1691 Prospect Road as R-3.

Coloring Error on 2009 official map

1. **15 Clark Road. J-10-33-400-038 and 17 Clark Road. J-10-33-400-043.** Both parcels show small portions that are colored R-3 while the majority of the parcel is zoned R-7. The prior maps show both parcels to be entirely R-7. This was a coloring error on the 2009 official map.

Approved – Correct coloring error on map to R-7 for both parcels.

CERTIFICATION

I, David Phillips, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Superior Charter Township Board held on _____ and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

David Phillips, Superior Township Clerk

It was moved by McKinney, seconded by Lewis, for the Board to approve the budget amendments from Controller Keith Lockie dated January 19, 2016.

The motion carried by a unanimous voice vote

12. PAYMENT OF BILLS

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There were no Bills for Payment. It was moved by Caviston, seconded by Green, that the Record of Disbursements be received.

The motion carried by a unanimous voice vote

13. PLEAS AND PETITION

Supervisor Schwartz indicated that some dead trees were cut down along Prospect Road and that people were welcome to fallen trees for firewood.

14. ADJOURNMENT

It was moved by Green, seconded by Lewis, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 8:55 pm.

Respectfully submitted,

David Phillips, Clerk

Kenneth Schwartz, Supervisor