

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 15, 2010
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 at 7:30 p.m. on November 15, 2010, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

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

4. ADOPTION OF AGENDA

It was moved by Green, seconded by McKinney to adopt the agenda with the additions of Amendment to Hummana Consent Judgment as item 1. under New Business.

The motion carried by a voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF OCTOBER 18, 2010

It was moved by Caviston, seconded by Green, to approve the minutes of the regular Board meeting of October 18, 2010, as presented.

The motion carried by a voice vote.

6. CITIZEN PARTICIPATION

A. CITIZENS COMMENTS

Ellen Kurath reported that the son of former Township Clerk Colleen O'Neal recently passed away. Second District Washtenaw County Commissioner elect Dan Smith introduced himself and indicated he intended to attend most of the Township's Board Meetings. Trustee Caviston expressed concerns about hunters trespassing. Trustee Green thanked Board members for supporting his church's 45th birthday.

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7. **REPORTS**

A. SUPERVISOR REPORT

Supervisor McFarlane reported on the following: The Township received only one bid for the new fire truck. The Township will re-bid. The Township has enough cash in the appropriate reserve account to pay for a new fire truck. The water well that served the Township Hall went bad. The well casing developed a hole in it which allowed sand to get into the pump. A new well had to be drilled at a cost of about \$5,400. On Thursday, January 20, 2011, at 7:00 p.m., there will be a public meeting to present preliminary designs for either a roundabout or the installation of a traffic signal at the Cherry Hill and Plymouth Road intersection in the hamlet of Dixboro. There will be a meeting of the Washtenaw County Chapter of the Michigan Township Association on Wednesday, November 17, 2010, 7:30 p.m. at the Scio Township Hall. The Chapter is encouraging Clerks, Treasurers and Trustees to attend. In November, the Township received a status report from Riverine Development. Pursuant to the Order of Abeyance, they are to provide a status report to the Township every 90 days. The Township Attorney has notified Riverine Development's attorney that the Township recently adopted a revised Master Plan. However, Riverine Development has forwarded the same status report since February 14, 2009. They have not contacted the Township to pursue any zoning changes. Supervisor McFarlane and Treasurer McKinney recently walked the new non-motorized trails along Harris and Geddes Roads. They reported that it is very nice and they observed a lot of families utilizing it.

B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, FIRE MARSHAL, HOSPITAL FALSE ALARM, ORDINANCE OFFICER REPORT, PARK COMMISSION MINUTES AND ZONING REPORT

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

The motion carried by a voice vote.

C. UTILITY DEPARTMENT FINANCIAL REPORTS AS OF SEPTEMBER 30, 2010

It was moved by McKinney, seconded by Caviston, to accept the Utility Department Financial Reports as of September 30, 2010.

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The motion carried by a voice vote.

8. COMMUNICATIONS

There were no communications.

9. UNFINISHED BUSINESS

There was no unfinished business.

10. NEW BUSINESS

**A. REVISION OF ORDINANCE NO. 169, UTILITIES ORDINANCE,
SECOND READING**

At the Board's regular meeting of October 18, 2010, Rick Church, Utility Department Director, explained that the Ypsilanti Community Utilities Authority (YCUA) recently required their service communities to adopt revisions to their sewer use ordinance. These revisions are a result of changed requirements by the Michigan Department of Natural Resources and Environment. The Township must now adopt the same revisions in Superior Township Ordinance 169, Utilities Ordinance. The revisions include the repeal of Article III of Superior Township's Ordinance No. 169 and replace it with Article III that was supplied by YCUA. The Township made minor revisions to other sections of the Ordinance. The revised ordinance repeals and replaces Ordinance No. 169, which was adopted on August 20, 2007.

It was moved by McKinney, seconded by Green, for the Board to approve the second reading of revised Ordinance No. 169, Utilities Ordinance.

Insert Second Reading of Revised Ordinance 169, Utilities Ordinance here.

Roll call vote:

Ayes: McFarlane, McKinney, Phillips, Caviston, Green, Lewis, Williams

Nays: None

Absent: None

The Ordinance was adopted.

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B. RESOLUTION ESTABLISHING AN AFFIDAVIT OF PROPERTY OWNER

In a memo dated November 10, 2010, Rick Church, Utilities Director, requested approval of a Resolution Establishing an Affidavit of Property Owner. This affidavit is required by Ordinance No. 169, Utilities Ordinance, Section 169-297, which addresses a landlord's ability to have the water and sewer account assigned to the tenant. The Affidavit protects the Township from any liability if the water service is terminated due to the tenant's failure to make required payment for the water and sewer charges.

It was moved by McKinney, seconded by Phillips to approve the Resolution Establishing an Affidavit of Property Owner.

Board members questioned the procedure of assigning the water and sewer account to tenants. There were concerns about the Utility Department being able to collect unpaid water and sewer bills, the Utility Department turning-off the water for renters and other issues. Board members requested more information before taking action on the resolution.

It was move by McKinney, seconded by Lewis, to postpone action on the Resolution Establishing an Affidavit of Property Owner until the Board's next regularly scheduled meeting of December 20, 2010.

The motion carried by a voice vote.

C. GRANT APPLICATION FOR NMT PROSPECT ROAD, BETWEEN BERKSHIRE AND CLARK

The Washtenaw County Parks and Recreation Commission (WCPRC) has established their "Connecting Communities Initiative", which will partner with local communities to build non-motorized trails that will enhance WCPRC's Border to Border Trail. In 2011 WCPRC intends to provide \$600,000 to assist with the construction of these trails. Supervisor McFarlane recommended the Township apply for "Connecting Communities Initiative" funds to construct a trail along the eastside of Prospect Road, between Clark and Berkshire Roads. OHM Engineering provided an estimate of \$393,000 to construct the trail. Supervisor McFarlane recommended the Township hire OHM Engineering to complete the application to the "Connecting Communities Initiative" at a cost not to exceed \$2,000.00. Board approval will be required for any additional expenditure for the trail, or acceptance of any "Connecting Communities Initiative" funds.

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

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**SUPERIOR CHARTER TOWNSHIP BOARD
RESOLUTION
October 18, 2010**

**A RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE
WASHTENAW COUNTY PARKS AND RECREATION COMMISSION'S
CONNECTING COMMUNITIES INITIATIVE FOR A PROPOSECT ROAD NON-
MOTORIZED TRAIL CONNECTION**

WHEREAS, Superior Charter Township has been a leader in Washtenaw County for non-motorized trail installation; and

WHEREAS, non-motorized trails have proven to be a vital method of promoting healthy life styles; and

WHEREAS, the existing non-motorized trails are used extensively by Superior Township residents and non-residents; and

WHEREAS, Superior Charter Township has had several successful partnerships with the Washtenaw County Parks and Recreation Commission regarding new trail installation; and

WHEREAS, the Washtenaw County Parks and Recreation Commission's *Connecting Communities Initiative* was established to partner with local communities to build trails that connect to the County's Border to Border Trail; and

WHEREAS, installing a non-motorized trail along a portion of Prospect Road would add a connection to the Border-to-Border Trail,

NOW THEREFORE BE IT RESOLVED that the Superior Charter Township Board of Trustees authorizes the administrative staff to apply for a grant from Washtenaw County Parks and Recreation Commission's *Connecting Communities Initiative* for trail installation on Prospect Road from the existing trail at Clark Road to Berkshire Street; and

BE IT FURTHER RESOLVED that the grant shall be allocated over a two-year funding cycle for total construction costs; and

BE IT FURTHER RESOLVED that Superior Charter Township use OHM for grant application assistance at a cost not to exceed \$2,000; and

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BE IT FURTHER RESOLVED that after notification of grant approval, the Board of Trustees shall be presented with the opportunity to approve the trail design and to approve the contract with Washtenaw County Parks and Recreation Commission for the installation of the trail.

Roll call vote:

Ayes: McKinney, Phillips, Caviston, Green, Lewis, Williams, McFarlane

Nays: None

Absent: None

The motion was adopted.

D. RENEWAL OF DELTA DENTAL CONTRACT

In her memo dated November 15, 2010, Susan Mumm, Accountant, explained that Delta Dental advised the Township they are adding another network to the Township's Delta Dental policy. This change, known as a Passive PPO Point-of-Service, will have no negative effect on the Township's current dental coverage. The cost of the coverage will be reduced from 1.9% to 2.2%, depending on if the coverage is for Single, Couple or Family. Ms. Mumm recommended that the Township accept the new Delta Dental contract, which starts on January 1, 2011 and ends on February 28, 2012.

It was moved by Williams, seconded by Caviston, that the Township renew the fourteen month contract with Delta Dental for dental insurance coverage for Township employees, which would start January 1, 2011 and end on February 28, 2012.

The motion carried by a voice vote.

E. GENPOWER PRODUCTS, INC., CONTRACT FOR GENERATOR SERVICE

Supervisor McFarlane recommended the Board approve an Inspection Agreement with GenPower Products to service and maintain the generator at the Township Hall. The Agreement date is February 2, 2011 thru January 31, 2012. The cost is \$950.00.

It was moved by McKinney, seconded by Caviston, to approve the Inspection Agreement with GenPower for February 2, 2011 thru January 31, 2012 at a cost of \$950.00.

The motion carried by a voice vote.

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F. BOARD APPOINTMENTS FOR TERMS BEGINNING 2011

Supervisor McFarlane provided the Board with his recommendations for Board Appointments for terms ending in 2010 or early 2011. Most are reappointments. Only Kimberly Perez, Zoning Board of Appeals, Alternate, and Ellen Kurath, Wetlands Board, are new appointments.

BOARD APPOINTMENTS

RECOMMENDED APPOINTMENTS

Planning Commission	Jay Gardner, 2/28/11 to 2/28/14 David Guenther, 2/28/11 to 2/28/14
Zoning Board of Appeals	Avery Henningburg, 12/31/10 to 12/31/13 John Rintamaki, 12/31/10 to 12/31/13 Kimberly Perez, Alternate, 12/31/10 to 12/31/13
Board of Review	Donald Dugas, 12/9/10 to 12/9/12 Rhonda McGill, 12/9/10 to 12/9/12 John MacNicol, 12/9/10 to 12/9/12 John Switala, Alternate, 12/9/10 to 12/9/12
Construction Board of Appeals	John Hamlin, 3/5/11 to 3/5/13 Thomas Tocco, 3/5/11 to 3/5/13 Joseph Veltri, 3/5/11 to 3/5/13 Kurt Weiland, 3/5/11 to 3/5/13
Dixboro Design Review Board	Tom Freeman, 12/31/10 to 12/31/13 Max Marken, 12/31/10 to 12/31/13
Huron River Watershed Council	John Langs, 12/31/10 to 12/31/12
Wetlands Board	Jacqueline Beaudry, 4/07/11 to 4/7/14 Bob Murray, 4/07/11 to 4/7/14 Ellen Kurath, 4/07/11 to 4/7/14

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It was moved by Green, seconded by Lewis, to concur with Supervisor McFarlane's recommendation for Board Appointments and confirm those on the list.

Roll call vote:

Ayes: McFarlane, McKinney, Phillips, Caviston, Green, Lewis, Williams

Nays: None

Absent: None

The motion carried.

G. TOWNSHIP 2011 HOLIDAY CLOSING SCHEDULE

The Board was provided with the Township's proposed 2011 Holiday Closing Schedule.

**CHARTER TOWNSHIP OF SUPERIOR
2011 HOLIDAY CLOSINGS SCHEDULE**

Monday, January 3, 2011	New Year's Day
Monday, January 17, 2011	Martin Luther King, Jr. Day
Monday, February 21, 2011	President's Day
Friday, April 22, 2011*	Good Friday (1/2 day)
Monday, May 30, 2011	Memorial Day
Monday, July 4, 2011	Independence Day
Monday, September 5, 2011	Labor Day
Monday, October 10, 2011	Columbus Day
Friday, November 11, 2011	Veteran's Day

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Thursday, November 24, 2011	Thanksgiving Day
Friday, November 25, 2011	Day after Thanksgiving
Friday, December 23, 2011	Day Before Christmas Eve
Monday, December 26, 2011	Day After Christmas
Friday, December 30, 2011	Day Before New Year's Eve

- denotes ½ day, offices close at 12:00 noon.

It was moved by McKinney, seconded by Caviston, to approve the Township's 2011 Holiday Closing Schedule as presented.

The motion carried by a voice vote.

H. TOWNSHIP BOARD 2011 MEETING SCHEDULE

The Board was presented with the Board's 2011 Meeting Schedule. The Planning Commission and Parks Commission are responsible for approving their schedules.

**CHARTER TOWNSHIP OF SUPERIOR
3040 NORTH PROSPECT, YPSILANTI, MICHIGAN 48198
734-482-6099**

2011 MEETING SCHEDULE

TOWNSHIP BOARD

All regular meetings are held at the Township Hall, 3040 N. Prospect, at 7:30 p.m. on the third Monday of each month. If a holiday falls on a third Monday, the meeting will be on the Tuesday following that Monday of that week.

Tuesday, January 18, 2011 (following Martin Luther King Day)
Tuesday, February 22, 2011 (following Presidents' Day)

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Monday, March, 21, 2011
Monday, April 18, 2011
Monday, May 16, 2011
Monday, June 20, 2011
Monday, July 18, 2011
Monday, August 18, 2011
Monday, September 19, 2011
Monday, October 17, 2011
Monday, November 21, 2011
Monday, December 19, 2011

PLANNING COMMISSION

All regular meetings are held at the Township Hall, 3040 N. Prospect, at 7:30 p.m. on the fourth Wednesday of each month, except for the November and December meetings which will be held on the third Wednesday of the month.

Wednesday, January 26, 2011	Wednesday, July 27, 2011
Wednesday, February 23, 2011	Wednesday, August 24, 2011
Wednesday, March 23, 2011	Wednesday, September 28, 2011
Wednesday, April 22, 2011	Wednesday, October 26, 2011
Wednesday, May 25, 2011	Wednesday, November 16, 2011
Wednesday, June 22, 2011	Wed, December 14 or 21 (TBD), 2011

It was moved by McKinney, seconded by Caviston, to approve the Township Board's Meeting Schedule as presented.

The motion carried by a voice vote.

I. DELINQUENT ORDINANCE VIOLATIONS FOR WINTER 2010 TAX ROLL

In a memo dated November 15, 2010, Treasurer McKinney requested the Board authorize her to levy the delinquent ordinance violations on the 2010 Winter Tax Roll in the amount of \$295.00.

It was moved by McKinney, seconded by Caviston, to authorize Treasurer McKinney to levy the delinquent ordinance violations on the 2010 Winter Tax Roll in the amount of \$295.00.

The motion carried by a voice vote.

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J. DELINQUENT FALSE ALARMS FOR WINTER 2010 TAX ROLL

Treasurer McKinney explained that the delinquent false alarms proposed to be placed on the 2010 Winter Tax Roll were cancelled due to bankruptcy. No action was taken on this agenda item.

K. BUDGET AMENDMENTS

The Board was presented with the following Budget Amendments:

GENERAL FUND BUDGET AMENDMENTS			
11/15/2010			
BUDGET LINE #	DESCRIPTION	DEBIT	CREDIT
101-446-868-000	SPEC PROJECT - RESURFACE STEVENS DRIVE	\$ 51,600.00	INCREASE
101-000-695-075	GRANTS	INCREASE	\$ 51,600.00
	TOTAL OUTSTANDING A/P	\$ 51,600.00	\$ 51,600.00

LAW FUND BUDGET AMENDMENTS			
NOVEMBER 15, 2010			
BUDGET LINE #	DESCRIPTION	DEBIT	CREDIT
266-310-703-	AUTHORIZED SHERIFF'S	\$	

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001	OVERTIME	18,000.00	INCREASE
266-000-695-000	APPROPRIATION FROM FUND BAL	INCREASE	\$ 18,000.00
	TOTAL OUTSTANDING A/P	\$ 18,000.00	\$ 18,000.00

It was moved by McKinney, seconded by Caviston, to approve the Budget Amendments as presented.

The motion carried by a voice vote.

K. AMENDMENT TO HUMMANA CONSENT JUDGMENT

In February 2010, the Township entered into the Hummana Consent Judgment, which applies to a 77 acre parcel located at the northwest corner of Geddes and Prospect Roads. The current owners of the parcel requested to construct a 576 square foot pole barn for agricultural use on the property. Township staff and the Township Attorney reviewed the request. They recommended that the Consent Judgment be Amended to clarify the placement of the pole barn on the property.

It was moved by McKinney, seconded by Green, to approve the following First Amendment to Consent Judgment:

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STATE OF MICHIGAN

WASHTENAW COUNTY CIRCUIT COURT

HUMMANA, LLC and NYR82, LLC,
Michigan limited liability companies, jointly
and severally,
Plaintiffs,
v

File No: 08-07-CZ
Hon. ARCHIE C. BROWN

CHARTER TOWNSHIP OF SUPERIOR,
Defendant

Robert A. Jacobs (P15402)
Jackier Gould, PC
Attorney for Plaintiffs
121 W. Long Lake Road, Suite 200
Bloomfield Hills, MI 48304-2719
Telephone: 248-433-2594

Frederick Lucas (P29074)
Lucas & Baker
Attorney for Defendant
7577 US 12, Ste A
Onsted, MI 49265
Telephone: 517-467-4000

FIRST AMENDMENT TO CONSENT JUDGMENT

At a session of said Court held in the City of Ann Arbor,
Washtenaw County, Michigan on _____, 2010.

PRESENT: Honorable Archie C. Brown

By consent of the parties it is hereby ordered that the consent judgment entered by
this court on February 17, 2010 in the above captioned matter is amended as follows:

In addition to the uses permitted on the Stables Parcel (as that parcel is identified
in the original Consent Judgment) as set forth in Section 4 of the Consent Judgment
heretofore entered by this court, plaintiffs may erect a barn for the storage of agricultural
products. The location and dimensions of the barn shall be as shown on Exhibit A which
is attached to this first amended consent judgment.

All other terms and conditions of the Consent Judgment which was entered by this

Lucas & Baker
Attorneys at Law

7577 US Highway 12, Suite A
Onsted, Michigan 49265
Telephone: 517.467.4000
Fax: 517.467.4044

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Court on February 17, 2010 shall remain unchanged.

CIRCUIT COURT JUDGE

Date signed: _____, 2010

THE UNDERSIGNED PARTIES HAVE HEREBY READ, UNDERSTAND, AGREE AND CONSENT TO THE FOREGOING FIRST AMENDMENT TO THE CONSENT JUDGMENT AND ALL TERMS AND CONDITIONS STATED THEREIN. ALL SUCH PARTIES HEREBY REPRESENT THAT THEY HAVE OBTAINED ADVICE OF COUNSEL AND ARE CONSENTING TO THIS JUDGMENT FREELY AND VOLUNTARILY.

HUMMANA, LLC,
a Michigan Limited Liability Company
NYR82, LLC,
a Michigan limited liability company

CHARTER TOWNSHIP OF SUPERIOR
a Michigan municipal corporation

By: Steven Friedman
Their: Authorized Member

By: William McFarlane
Its: Supervisor

By: David Phillips
Its: Clerk

WE, THE UNDERSIGNED COUNSEL FOR THE PLAINTIFF AND DEFENDANTS, RESPECTIVELY, STIPULATE TO THE ENTRY OF THE ABOVE FIRST AMENDED CONSENT JUDGMENT.

Robert A. Jacobs (P15402)
Attorney for Plaintiffs

Frederick Lucas (P29074)
Attorney for Defendant

Lucas & Baker
Attorneys at Law

7577 US Highway 12, Suite A
Onsted, Michigan 49265
Telephone: 517.467.4000
Fax: 517.467.4044

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EXHIBIT A

**SUPERIOR CHARTER TOWNSHIP BOARD
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Date: November 12, 2010

Property Location: 2121 Prospect Road

Property Owner: William & Jennifer Schofield

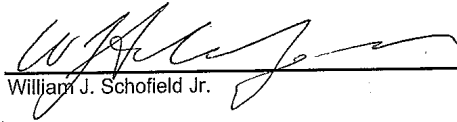
Request:

To construct a 24' x 24' pole barn located approximately 375' west of prospect road and 50' south of the Donahue property.

The height of the pole barn will be 12'

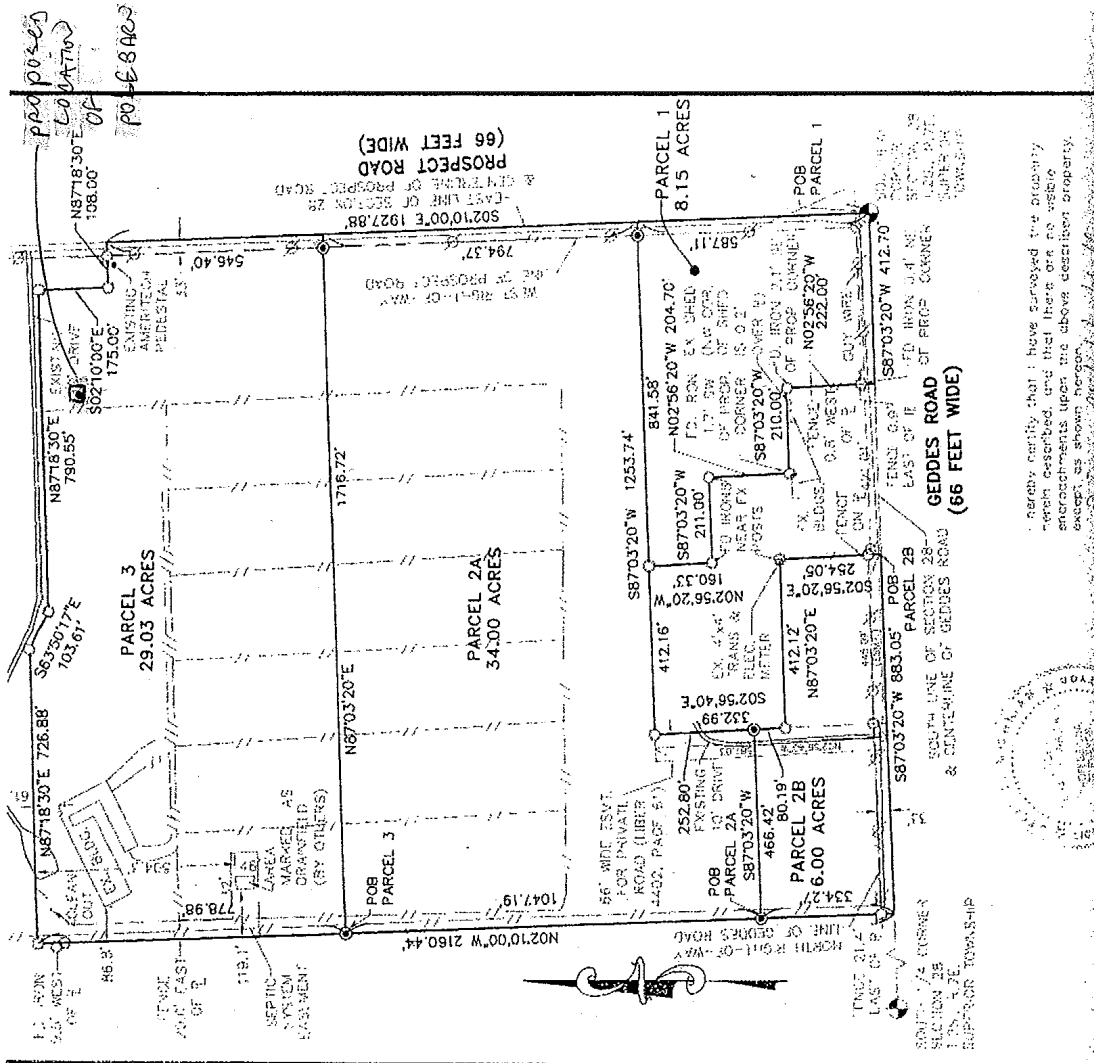
The barn will be used for the storage of grain and equipment necessary for the care and feeding of horses. The barn's purpose is agricultural.

Attached please find a drawing showing the location of the proposed pole barn.

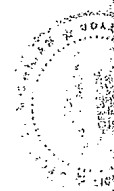


William J. Schofield Jr.

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I hereby certify that I have surveyed the property therein described, and that there are no visible encroachments upon the above described property, except as shown hereon.



11. PAYMENT OF BILLS

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It was moved by McKinney, seconded by Green, that the bills be paid as submitted in the following amounts: General - \$12,199.29; Fire - \$2,419.03; Law - \$1,806.92; Utilities - \$4,366.52 for a total of \$20,791.76. Further, that the Record of Disbursements be received.

The motion carried by a unanimous voice vote.

12. PLEAS AND PETITION

There were none.

13. ADJOURNMENT

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

Respectfully submitted,

David Phillips, Clerk

William McFarlane, Supervisor