

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
NOVEMBER 16, 2015  
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 November 16, 2015, 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, Nancy Caviston, Rodrick Green and Alex Williams. Treasurer Brenda McKinney and Trustee Lisa Lewis were absent.

**4. ADOPTION OF AGENDA**

It was moved by Caviston seconded by Green, to adopt the agenda as presented.

The motion carried by unanimous voice vote.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF OCTOBER 19, 2015**

It was moved by Green, seconded by Caviston, to approve the minutes of the regular Board meeting of October 19, 2015, as presented.

The motion carried by a unanimous voice vote.

**6. CITIZEN PARTICIPATION**

**A. CITIZEN COMMENTS**

Jonathan Roelofs, W. Avondale, questioned having the Board address the Redwood rezoning on December 21, 2015 when he and many others are busy with Christmas arrangements. He also requested the Board to listen to the homeowners concerns. Supervisor Schwartz replied that he requesting the Board not make a decision on December 21 as he feels the Board needs to be educated on the issues and perhaps do additional fact-finding.

**7. PRESENTATIONS**

There were no presentations.

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**8. REPORTS**

**A. SUPERVISOR REPORT**

Supervisor Schwartz reported on the following: Pam McKenna, Treasurer's Assistant, passed away on November 4, 2015. She worked for the Township for about 1 ½ years. She was also the Clerk in Moscow Township in Jackson County. She was 54 years old, grew-up in Ypsilanti and did a great job. The Township will miss her very much. The party demolition of the party store has still not been started. There is a delay due to getting the electricity disconnected. Redwood will be on the December 21, 2015 agenda. The Planning Commission made a recommendation to deny. The Board needs to familiarize themselves with the issues, which may require additional fact finding. The piles of dirt in front of the Township Hall are supposed to be graded out this week. The contractor was supposed to have it done weeks ago but he had some delays. On 11-3-2015, the Township went to court for a Show Cause on Alden David Burley related to the blight on his property at 6645 Warren Road. He retained an attorney just before the court appearance and the Judge re-scheduled the hearing to 12-1-15 in order to give his attorney time to research the case. The court did authorize a search warrant for the Township to search his home but Mr. Burley and his attorney are not cooperating in order to execute the search warrant. There is concern that Mr. Burley is living in unsafe conditions. Neighbors have contacted Supervisor Schwartz and commented that they are pleased that the Township is taking action to clean-up Mr. Burley's property as his blight would make it difficult for them to sell their homes. The road construction projects for 2015 have been completed and there is still some repair work being done. Supervisor Schwartz has contacted Tom Brennan and Dr. Robert Steele, both are willing to serve another term on the Planning Commission. Mr. Wolfe indicated he will serve on the Huron River Watershed Board. Supervisor Schwartz will bring the appointments to the December 21, 2015 Board meeting.

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

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

The motion carried by unanimous voice vote.

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**C. FINANCIAL REPORTS ALL FUNDS, PERIOD ENDING SEPTEMBER 30, 2015**

Supervisor Schwartz commented that the revenues and expenditures were about where they should be and the finances were in good shape.

It was moved by Caviston, seconded by Green, for the Board to receive the Financial Reports for All Funds for the period ending September 30, 2015.

The motion carried by unanimous voice vote.

**D. MAJOR TOWNSHIP FUNDS QUARTERLY REPORT, 1<sup>ST</sup> -3<sup>RD</sup> QUARTER 2015**

It was moved by Caviston, seconded by Green, for the Board to receive the Major Township Funds Quarterly Report, 1<sup>st</sup> – 3<sup>rd</sup> Quarter 2015.

The motion carried by unanimous voice vote.

**8. COMMUNICATIONS**

**A. WILLIAM J. SCHOFIELD JR. PERFORMANCE GUARANTEE FOR SUPERIOR FARM AND GARDEN**

Clerk Phillips explained the Zoning Ordinance requirements for performance guarantees and that Section 1.12 of the Zoning Ordinance indicates the Township Board may require the applicant to deposit a financial guarantee to cover the cost of improvements. He explained that the performance guarantees are addressed in the development agreement and they are typically required on larger projects, which involved public utilities and more substantial site work. Applicant William Schofield explained why he felt it was not necessary for him to post a performance guarantee for his project. He indicated that he owns the property, the site work is minimal, because he is not a developer, he is not able to obtain a letter of credit or a bond but will have to post the entire \$55,515.00 in cash. He requested that the Township Board waive the requirement for him to post the performance guarantee for his project. Board members discussed the issue and decided to receive the communication and to take action on the request when agenda item 10,B, Superior Farm and Garden Development Agreement.

It was moved by Caviston, seconded by Green, for the Board to receive the letter dated November 12, 2015 from William Schofield.

The motion carried by unanimous voice vote.

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**9. UNFINISHED BUSINESS**

There was none.

**10. NEW BUSINESS**

**A. RESOLUTION 2015-45, APPROVED FINAL SITE PLAN FOR SUPERIOR FARM AND GARDEN**

Clerk Phillips explained the history of the request to rezone the property, which led to a lawsuit that was settled by the Township and developer entering into a Consent Judgment. He also explained how the Consent Judgment included Section 6 Design Standards and Review Process, which established a procedure for the review of the plans for a farm supply store that resulted in the Township Board having the authority to approve the Final Site Plan. Phillips' explained the review process by the Planning commission and it's consultants and that they found the plan to be in compliance with the Township's Zoning Ordinance and standards. Board members discussed the plan.

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

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

**RESOLUTION TO APPROVE THE FINAL SITE PLAN FOR SUPERIOR FARM AND  
GARDEN**

**Resolution Number: 2015-45**

**Date: November 16, 2015**

**WHEREAS,** the Hummana, LLC and NYR82, LLC v. Charter Township of Superior Consent Judgment (the "Consent Judgment") was approved by Washtenaw County Circuit Court Judge Archie C. Brown on February 17, 2010 and signed by all parties, which includes approximately 34.03 acres known as the "Stables Parcel"; and

**WHEREAS,** the Consent Judgment allows for a number of permitted uses on the Stables Parcel, including agricultural service establishments; bulk feed and farm supply store; and the selling of supplies, products and equipment related to riding stables and equestrian facilities; and,

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**WHEREAS**, the current owner, William J. Schofield Jr. of the Subject Property and successor to the Consent Judgment has applied to construct a farm supply store, known as the Superior Farm and Garden, as allowed by the Consent Judgment; and,

**WHEREAS**, on October 28, 2015, the Superior Township completed their review of the Final Site Plan for the Superior Farm and Garden, proposed to be constructed on the Stables Parcel, and found that the plan as submitted was in compliance with the Township's ordinance and standards, including those contained in the Consent Judgment and also found that the proposed development is a useful addition to the Township that provides an unmet need; and

**WHEREAS**, page 9, Section 6, c, Design Standards and Review Process, indicates " Upon receipt of the comments and recommendations of the Planning Commission's consultants and staff, the Township Board shall then approve the plans if they make a finding that the Ordinance, standards and the provisions of the Consent Judgment have been met"; and

**NOW THEREFORE, BE IT RESOLVED**, the Superior Township Board of Trustees finds that the plans as submitted have met the Ordinance, standards and the provisions of the Consent Judgment have been met and approves the Final Site Plan for Superior Farm and Garden dated October 12, 2015; and

**NOW THEREFORE, BE IT FURTHER RESOLVED**, the Superior Township Board of Trustees agrees that in compliance with Superior Township Zoning Ordinance and Engineering Standards, a building permit cannot be issued until final engineering approval is obtained, all required approvals from outside agencies are obtained and provided to the Township and a pre-construction meeting is completed.

I, the undersigned, the duly qualified and acting Township Clerk of the Charter Township of Superior, County of Washtenaw, State of Michigan, certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Trustees of the Charter Township of Superior at a regular meeting held on the 16th day of November, 2015, the original of which resolution is on file in my office, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

IN WITNESS WHEREOF, I have set my official signature, this 16th day of November, 2015.

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DAVID M. PHILLIPS, CLERK,  
CHARTER TOWNSHIP OF SUPERIOR

The motion carried by unanimous voice vote. The resolution was adopted.

**B. RESOLUTION 2015-46, APPROVE DEVELOPMENT AGREEMENT FOR SUPERIOR FARM AND GARDEN**

Supervisor Schwartz explained that this was a small project and thus did not require a long or complicated development agreement. He indicated that because it was a small project with minimal site work and Mr. Schofield owned the property, he had no objections to waiving the requirement for the performance guarantee outlined in Section 2.7 but he felt the section should indicate that the a performance guarantee could be required it conditions changed and the Board felt it was necessary to have a performance guarantee on the project.

It was moved by Green, seconded by Caviston, to approve the following resolution and development agreement with the understanding that Section 2.7 of the Development Agreement will be amended to waive the requirement for the performance guarantee for this project but that the Board reserves the right to require performance guarantees be posted if conditions change and the Township Board determines it is necessary to post them.

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

**RESOLUTION TO APPROVE THE DEVELOPMENT AGREEMENT FOR SUPERIOR  
FARM AND GARDEN, WILLIAM J. SCHOFIELD JR.**

**Resolution Number: 2015-46**

**Date: November 16, 2015**

**WHEREAS**, on November 16, 2015, the Superior Township Board of Trustees found that the Final Site Plan dated October 12, 2015 for the Superior Farm and Garden met the Ordinance, and standards and provisions of the Consent Judgment, and approved the Final Site Plan; and

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**WHEREAS**, Section 14.03 of the Township's Zoning Ordinance requires the execution of a Development Agreement in connection with the approval of the final site plan for the development; and

**WHEREAS**, Section 14.03 of the Township's Zoning Ordinance requires the Development Agreement shall be subject to approval by the Township Board; and

**NOW THEREFORE, BE IT RESOLVED**, the Superior Township Board of Trustees approves the Development Agreement for Superior Farm and Garden, William J. Schofield Jr. and authorizes the Supervisor to sign the Development Agreement.

I, the undersigned, the duly qualified and acting Township Clerk of the Charter Township of Superior, County of Washtenaw, State of Michigan, certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Trustees of the Charter Township of Superior at a regular meeting held on the 16th day of November, 2015, the original of which resolution is on file in my office, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

IN WITNESS WHEREOF, I have set my official signature, this 16th day of November, 2015.



DAVID M. PHILLIPS, CLERK,  
CHARTER TOWNSHIP OF SUPERIOR

The motion carried by unanimous voice vote. The resolution was adopted.

**C. APPROVE 2016 HOLIDAY SCHEDULE**

Board members discussed the Holiday Schedule.

It was moved by Caviston, seconded by Green for the Board to approve the following holiday schedule:

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**CHARTER TOWNSHIP OF SUPERIOR  
2016 HOLIDAY CLOSINGS SCHEDULE**

Friday, January 1, 2016	New Year's Day
Monday, January 18, 2016	Martin Luther King, Jr. Day
Monday, February 15, 2016	President's Day
Friday, March 25, 2016*	Good Friday
Monday, May 30, 2016	Memorial Day
Monday, July 4, 2016	Independence Day
Monday, September 5, 2016	Labor Day
Monday, October 10, 2016	Columbus Day
Friday, November 11, 2016	Veteran's Day
Thursday, November 24, 2016	Thanksgiving Day
Friday, November 25, 2016	Day After Thanksgiving
Friday, December 23, 2016	Day Before Christmas Eve
Monday, December 26, 2016	Day After Christmas Day
Friday, December 30, 2016	Day Before New Year's Eve

\* denotes ½ day, offices close at 12:00 noon

David Phillips, Clerk  
Charter Township of Superior  
3040 N. Prospect



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Ypsilanti, MI 48198  
734-482-6099

The motion carried by unanimous voice vote.

**D. APPROVE 2016 BOARD MEETING SCHEDULE**

The Board members discussed the 2016 meeting schedule'

It was moved by Caviston, seconded by Green for the Board to approve the following Board meeting schedule for 2016:

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

**2016 MEETING SCHEDULE**

**TOWNSHIP BOARD**

All regular meetings are held at the Township Hall, 3040 N. Prospect, at **7:00 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 19, 2016 (following Martin Luther King Day)  
Tuesday, February 16, 2016 (following Presidents' Day)  
Monday, March, 21, 2016  
Monday, April 18, 2016  
Monday, May 16, 2016  
Monday, June 20, 2016  
Monday, July 18, 2016  
Monday, August 15, 2016  
Monday, September 19, 2016  
Monday, October 17, 2016  
Monday, November 21, 2016  
Monday, December 19, 2016

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**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 meeting, which will be held on the third Wednesday of the month and December meeting, which will be held on the second Wednesday of the month.

Wednesday, January 27, 2016  
Wednesday, February 24, 2016  
Wednesday, March 23, 2016  
Wednesday, April 27, 2016  
Wednesday, May 25, 2016  
Wednesday, June 22, 2016

Wednesday, July 27, 2016  
Wednesday, August 24, 2016  
Wednesday, September 28, 2016  
Wednesday, October 26, 2016  
Wednesday, November 16, 2016  
Wednesday, December 14, 2016

David Phillips, Clerk  
3040 N. Prospect  
Ypsilanti, MI 48198  
734-482-6099

The motion carried by a unanimous voice vote.

**12. PAYMENT OF BILLS**

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

The motion carried by a unanimous voice vote

**13. PLEAS AND PETITION**

There were none.

**14. ADJOURNMENT**

It was moved by Green, seconded by Caviston, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 8:05 pm.

Respectfully submitted,

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David Phillips, Clerk

Kenneth Schwartz, Supervisor