

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
MARCH 21, 2011  
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 March 21, 2011, 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 and Lisa Lewis. Trustee Rodrick Green arrived at 7:45 p.m. and Trustee Alex Williams was absent.

**4. ADOPTION OF AGENDA**

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

The motion carried by a voice vote.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF FEBRUARY 22, 2011**

It was moved by Caviston, seconded by McKinney, to approve the minutes of the regular Board meeting of February 21, 2011, as presented.

The motion carried by a voice vote.

**6. CITIZEN PARTICIPATION**

**A. CITIZENS COMMENTS**

Ellen Kurath, Hickman Road, indicated she has concerns with the new laws that provide additional authority to Emergency Financial Managers.

Sandi Lopez, Vreeland Road, said that a recent wetland filling violation involved using soil obtained from a Washtenaw County Road Commission jobsite. She recommended that the Road Commission require that anyone who receives soil from them provide verification that it will be used for appropriate and legitimate purposes.

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**7. REPORTS**

**A. SUPERVISOR REPORT**

Supervisor McFarlane reported on the following: The Township newsletter, Superior Scenes, will be going out soon. The Road Commission recently installed a new sign at the corner of N. Prospect and Ford Roads. For about eight years, the only sign for Ford Road was a handmade sign. On April 18, 2011, the Road Commission will have their annual meeting with the Township Board. They will propose road improvement projects for 2011 and will be available to provide information and answer questions about road improvements and maintenance. On March 30, 2011, Township officials, members of the Road Committee and WCRC staff will drive around the entire Township to survey the condition of the roads. They will determine which roads they recommend for improvement in 2011. Mr. Harmon's sentencing in Washtenaw District Court for wetland's violations has been postponed.

**B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, FIRE MARSHAL, HOSPITAL FALSE ALARM, ORDINANCE OFFICER REPORT, PARK COMMISSION MINUTES, SHERIFF'S REPORT**

It was noted by Supervisor McFarlane that there were no burglaries in Superior Township during the month of February 2011 and so far in March, there has only been one burglary.

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

The motion carried by a voice vote.

**C. FINANCIALS, ALL FUNDS, PERIOD ENDING DECEMBER 31, 2011, POST AUDIT**

It was moved by Caviston, seconded by Lewis, that the Superior Township Board receive the Financial Reports for all funds, period ending December 31, 2010, post audit.

The motion carried by a voice vote.

**D. ACCOUNTANT'S YEAR END FINANCIAL REPORT FISCAL YEAR 2010**

Supervisor McFarlane explained that this report was prepared by the Township's Accountant, Susan Mumm and that the Township Auditor will be providing a similar report when they address the Board in May. He noted that there were adequate funds in all reserve funds and the Township was good financial shape.

It was moved by Caviston, seconded by Lewis, that the Superior Township Board

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receive the Accountant's Year End Financial Report Fiscal Year 2010.

The motion carried by a voice vote.

**8. COMMUNICATIONS**

**A. KEN PALKA, PHP, CPA'S MARCH 14, 2011 LETTER**

Mr. Ken Palka indicated in a letter dated March 14, 2011 that he will be at the May 16<sup>th</sup> Board meeting to present the 2010 audit. He indicated the Township is in very good financial shape and there are no major issues which need addressing prior to the May 16, 2011 meeting.

It was moved by Caviston, seconded by Lewis, for the Board to receive the communication from Mr. Palka.

The motion carried by a voice vote.

**B. WASHTENAW COUNTY ROAD COMMISSION EMAIL, RE; ANNUAL MEETING**

The Washtenaw County Road Commission forwarded an email to Supervisor McFarlane indicating their annual meeting with the Township is scheduled for the April 18, 2011 Township Board meeting.

It was moved by Caviston, seconded by McKinney, for the Board to receive the communication from the Road Commission.

The motion carried by a voice vote.

**9. UNFINISHED BUSINESS**

**A. ORDINANCE NO. 174-05, ZONING ORDINANCE TEXT AMENDMENTS**

On January 26, 2011, the Superior Township Planning Commission held a public hearing on the amendments, after which they voted to recommend approval of the changes. On February 22, 2011 the Township Board approved the first reading of Ordinance 174-05. No changes were made to Ordinance 174-05 since its first reading.

It was moved by Phillips, seconded by McKinney, to approve the second reading and adoption of Ordinance No. 174-05, Zoning Ordinance Text Amendments.

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**WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE NO. 174-05**

[An ordinance to amend the Superior Charter Township Zoning Ordinance No. 174 by authority of the Public Act 110 of 2006 (being MCL 125.3101 et. seq., as amended)]

**SUPERIOR CHARTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:**

**ARTICLE 4  
LAND USE TABLE**

[INSERT veterinary clinic or animal hospital as a conditional use in the A-1, C-1, O-1, NSC, and VC zoning districts; and REVISE temporary outdoor sales from a conditional use to a principal use permitted in the C-1, C-2, NSC, and VC zoning districts, as follows]

**Section 4.02 Table of Permitted Uses by District.**

Uses	Districts																Use Standards	
	Rural			Residential				Business			Other	Special						
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC	VC	MS	PM		OSP
<b>RURAL USES</b>																		
Veterinary Clinic or Animal Hospital		C	C					C	C	C			C	C				Section 5.110
<b>COMMERCIAL USES</b>																		
Outdoor Sales, Temporary								P	P				P	P				Section 5.412

**ARTICLE 5  
USE STANDARDS**

[DELETE and REPLACE the text of Section 5.412 to replace Planning Commission approval with administrative approval by the Zoning Inspector, as follows]

**Section 5.412 Temporary Outdoor Sales.**

Such sales shall be accessory to the principal use and permanent business on the premises.

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1. No part of such sales operation shall be located within any road right-of-way or corner clearance area.
2. Temporary outdoor sales shall not be located within a required yard setback, landscape strip or transition buffer, except as permitted within an existing parking lot or developed area of a nonconforming site with the approval of the Zoning Inspector.
3. The sales operation shall not impede or adversely affect vehicular or pedestrian traffic flow or parking maneuvers.
4. Merchandise, equipment, and materials used in or resulting from such sales shall be removed from the premises within three (3) days of termination of the sale.
5. Temporary outdoor sales accessory to a business operation shall not exceed a maximum of 30 days per calendar year. Where multiple businesses occupy a single building or zoning lot (such as in a shopping center), such sales shall not exceed a maximum total for all businesses of 60 days per calendar year.
6. To inform the Township of specific sales dates during a particular calendar year, the property or business owner shall apply for administrative approval per Section 1.07 (Certificates of Zoning Compliance).
7. The Zoning Inspector may require a cash bond of two hundred fifty dollars (\$250) to be provided to the Township prior to the start of an approved sale to guarantee site cleanup.
8. Temporary outdoor sales shall comply with all applicable requirements of this Ordinance and other Township ordinances, such as noise restrictions, exterior lighting standards, etc.

**ARTIICLE 6  
GENERAL PROVISIONS**

[DELETE and REPLACE the text of subsection "B.2." to INSERT provisions for fences on corner lots, and ornamental and rail fences in front yards in the Rural Residential Districts, as follows]

**Section 6.01 Fence Regulations.**

All fences and similar enclosures shall conform to the following:

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**B. Fence Standards by Use.**

Fences shall be subject to the following additional standards by zoning district or associated use:

1. **Rural fences.** Fences accessory to permitted farms, agricultural operations, and other RURAL USES governed by the Right to Farm Act (P.A. 93 of 1981, as amended) on lots of record not included within the boundaries of a recorded plat and having an area in excess of two (2) acres and a minimum road frontage of 200 feet shall conform to the requirements of Section 6.01A (General Standards), but shall not require Township approval prior to installation.
2. **Residential fences.** Fences in the Rural Residential and Urban Residential Districts, in Special Districts which include RESIDENTIAL USES, or that are accessory to RESIDENTIAL USES in any zoning district, shall be subject to the following:
  - a. **Rear and interior side yards.** Fences which are located in a rear or interior side yard shall not exceed six (6) feet in height, and shall not extend toward the front of the lot nearer than the front wall of the house or the required minimum front yard, whichever is greater.
  - b. **Front yards.** Fences located in the required front yard, or within any yard area between a road right-of-way and a front building line of the dwelling, shall not exceed three (3) feet in height except as follows:
    - (1) On corner lots, an ornamental, rail, or privacy fence, as defined in Section 17.03 (Definitions), shall be permitted within the area of the second front yard located between the rear lot line and the rear building line of the dwelling extended to the road right-of-way. Such fences shall not exceed six (6) feet in height.
    - (2) For RESIDENTIAL USES in any Rural Districts or Rural Residential Districts, an ornamental or rail fence, as defined in Section 17.03 (Definitions), shall be permitted in the required front yard, or within any yard area between a road right-of-way and a front building line of the dwelling. Such fences shall not exceed six (6) feet in height.
  - c. **Orientation.** Where one side of a fence or wall in the Urban Residential Districts has a more finished appearance than the

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other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).

- d. **Approval required.** Construction, alteration or relocation of fences exceeding ten (10) feet in length in the Rural Residential and Urban Residential Districts, or accessory to RESIDENTIAL USES, shall be subject to Zoning Inspector approval per Section 1.07 (Certificates of Zoning Compliance). Township approval shall not be required for alteration or relocation of fences of ten (10) feet or less in length, provided that such fences shall conform to the requirements of this Section.

**ARTICLE 17  
DEFINITIONS**

[INSERT the sub-definitions for various types of fences into Section 17.03 as follows]

**Section 17.03 Definitions.**

78. **Fence.** Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use.
  - a. **Chain-link fence.** A fence constructed of galvanized steel or similar materials as approved by the Building Inspector for the purpose of enclosing or securing an area.
  - b. **Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation, and which does not block vision to an extent greater than fifty percent (50%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
  - c. **Privacy fence.** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than fifty percent (50%) for the purpose of obscuring or screening an area from public view.
  - d. **Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one (1) to four (4) horizontal rails connecting to vertical posts spaced a minimum of six (6) feet

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apart, and which does not block vision to an extent greater than fifty percent (50%).

- e. **Temporary fence.** A fence constructed of canvas, plastic, chain-link, wood or similar material for the purpose of enclosing or securing an area for a limited period of time; for securing a construction site against unauthorized access; or for public safety at a special event.

Roll call vote:

Ayes: McFarlane, McKinney, Phillips, Caviston, Lewis

Nays: None

Absent: Green, Williams

**10. NEW BUSINESS**

**A. FIREFIGHTER'S CONTRACT 2011-2012**

The Township has reached tentative contract agreement with the Superior Township Firefighters Local 3292 of the International Association of Fire Fighters for years 2011 and 2012. Supervisor McFarlane and Clerk Phillips both represented the Township in the contract negotiations. They both recommend the proposed contract be approved by the Township Board.

Contract changes include:

- 1) The term of the contract is two years. Previous contracts have been three years
- 2) Page 8, Article XII, Section 1, Educational Incentives was removed and moved to Attachment A, Article A-XII; language was added to indicate the incentive was paid the first pay-period of the calendar year.
- 3) Page 14, Article A-I, Section 7, Pay for Acting Rank was added. This results in additional compensation of 5% above their current rate of pay to firefighters who perform the duties of a rank higher than their current rank for more than a 12 hour period in any shift.
- 4) Page 18, Article A-V, Section 2, language was added to indicate sick days will accrue on the first day of every month after the date of hire.
- 5) Page 20, Article A-VIII, Section 2, uniform allowance was increased from \$564.86 in 2010 to \$570.00 in 2011 and \$576.00 in 2012.
- 6) Page 20, Article A-XI, Section 1, language was added to describe the terms of the MERS pension plan.
- 7) Page 21, Attachment "B", Article B-1, wages for all firefighters and Command Officers were increased 2% for 2011 and 2% for 2012.

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- 8) Page 21, Attachment “B”, Article B-II, the Longevity Pay was increased; however, longevity shall not be paid to employees hired after 1-1-2011  
The 2008-2010 contract included longevity as:  
10 Years-\$900            15 Years-\$1,300            20 Years-\$1,500  
The 2011-2012 contract includes longevity as:  
5 Years-\$1,200            15 Years-\$1,600            20 Years- \$1,800
- 8) Page 21, Attachment “B”, Article B-II, Health Care Savings Plan Township Contribution is increased as follows:  
2010 HCSP is \$115 per month            2011 and 2012 HCSP is \$120 per month

Except for some minor typos and new dates relating to the contract term and signing date, the remaining sections of the contract are unchanged.

See Attachment A, Superior Charter Township Firefighter’s Contract for 2011-2012

It was moved by McKinney, seconded by Caviston, that the Superior Township Board approve the contract for the Superior Township Firefighters for the contract years of 2011-2012.

Roll call vote:

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

Nays: None

Absent: Williams

**B. AGREEMENT WITH MR. SWANSON FOR STREET-SIDE MAINTENANCE AGREEMENT FOR 2011**

In 2001 the Township Board approved a special assessment district for all parcels in the Oakbrook and Washington Square subdivisions. Each parcel was levied an amount to be used to cut the grass and perform other maintenance in the common areas of the subdivision. Since 2001, the Township has contracted with Mr. Swanson to perform the work. Township officials and residents have been extremely satisfied with Mr. Swanson’s work. The proposed 2011 agreement includes the following changes from the 2010 agreement: the amount of insurance was increased from \$100,000 to \$1,000,000; it includes an additional \$700.00 for maintaining the Oakbrook Island; the total cost for 2010 was \$14,700, the cost for 2011 is \$14,994, a two-percent increase.

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**AGREEMENT BETWEEN  
CHARTER TOWNSHIP OF SUPERIOR AND CHARLES E. SWANSON**

This agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the Charter Township of Superior, hereafter referred to as the Township, and Charles E. Swanson, hereafter referred to as contractor.

Whereas the Township desires to secure the services of a contractor for street-side maintenance,

Now therefore, in consideration of the promises and covenants hereinafter contained, the parties hereto mutually agree as follows:

1. The relationship of the contractor to the Township is and shall continue to be that of an independent contractor and no liability of benefits such as Worker's Compensation, Pension, unemployment benefits or other rights or liabilities arising out of or related to a contract for hire or employee/employer relationship shall arise or accrue to either party as a result of the performance of this contract. The contractor has signed the Township's Independent Contractor Release Agreement
2. The contractor shall maintain general liability insurance in the amount of at least \$1,000,000 naming Superior Charter Township as an additional insured and provide the Clerk with a copy of the policy within ten (10) days of signing the contract.
3. The contractor shall maintain the following street sides for the 2011 Summer Season, including lawn cutting and trimming weekly, brush and tree trimming as needed, and litter removal along the street sides as needed:
  - a. Berkshire east of Prospect – south side – from entrance to Lakeview Estates - @ 2/10 mile strip 12 feet wide
  - b. MacArthur Blvd. – west side – from Fireman's Park to Stamford - @ 800 foot strip 12 feet wide
  - c. MacArthur Blvd. – both sides – from Stamford to Clark - @ 6/10 mile strip 42 feet wide (from fences to street)
  - d. MacArthur Court Island - @ one acre
  - e. Heather Island – from MacArthur - @ 500 feet
  - f. Nottingham Island – from Clark - @ 500 feet
  - g. Clark Drive Island – north from Clark Road @ 100 feet
  - h. MacArthur Drive east along Clark Road to Clark Drive Island @ 1.5/10 mile 36 feet wide strip to fences
  - i. MacArthur Blvd. tree trimming and clean up

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- j. Maintenance described in item #3., shall begin on or before May 1, 2011, weather permitting.
- k. Oakbrook entrance island.
- 4. The Township shall pay the contractor \$ 14,994.00 for the 2011 Summer Season ending in November 15, 2011, and the contractor will bill the Township biweekly for services rendered.
- 5. This contract may be terminated with 10 days' notice by either party.

In witness whereof, the undersigned have set their hands this \_\_\_\_ \_day of \_\_\_\_\_, 2011.

Contractor: \_\_\_\_\_ Date:

Township Supervisor \_\_\_\_\_ Date:

The following resolution was moved by \_\_\_\_\_, and seconded by \_\_\_\_\_.

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**A RESOLUTION FOR APPROVAL FOR ENTERING INTO A STREET-SIDE  
MAINTENANCE AGREEMENT WITH MR. SWANSON FOR THE  
OAKBROOK AND WASHINGTON SQUARE SUBDIVISION COMMON AREAS**

**RESOLUTION NUMBER: 2011-05**

**DATE: March 21, 2011**

**WHEREAS**, Superior Charter Township is a Michigan municipal corporation that provides public services to residents of Superior Charter Township, and

**WHEREAS**, a Special Assessment District was created to provide funding for street-side maintenance in the Oakbrook and Washington Square subdivisions located in the Township, which includes cutting the grass and other maintenance of the common areas, and

**WHEREAS**, the Township Board has the responsibility to approve, execute and administer agreements to provide for such street-side maintenance, and

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**WHEREAS**, Mr. Swanson was awarded the contract in 2001 after the Township received at least three other bids, and

**WHEREAS**, the Township has been extremely satisfied with the performance of Mr. Swanson;

**NOW, THEREFORE BE IT RESOLVED:** that the Superior Township Board approves the Agreement for 2011 with Mr. Swanson and authorizes the Township Supervisor to sign the Agreement, and that the cost of this agreement is to be taken from the Side Street Maintenance Fund, G.L. Account No. 220.

Roll call vote:

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

Nays: None

Absent: Williams

The resolution was adopted.

**C. SANITARY SEWER CONNECTION TO THE STINEDURF PROPERTY ON LEFORGE ROAD**

Rick Church, Utility Dept. Director, was present and explained that Mr. Stinedurf of LeForge Road has requested to connect to the sanitary sewer along LeForge Road. The Township's charge for connecting includes a minimum \$2,500 tap fee. This \$2,500 usually covers the cost of the tap. When the sewer was installed in the early 1970's, they did not install a lead from the sewer main, to the property lines of the existing homes along LeForge. Because there is no lead, this will result in a higher cost to actually make the tap. Mr. Church obtained an estimate for the tap of \$7,500. He is recommending the Utility Department split the portion of the \$7,500 tap fee that exceeds \$2,500. This would result in Mr. Stinedurf paying a \$5,000 for the tap fee and the Utility Department absorbing the remaining \$2,500.

It was moved by Caviston, seconded by Green, for the Superior Township Board to approve the Utility Department to split the portion of Mr. Stinedurf's tap fee that exceeds \$2,500. This would result in Mr. Stinedurf paying \$5,000 for the tap fee and the Utility Department absorbing the remaining \$2,500.

Roll call vote:

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

Nays: None

Absent: Williams

The motion carried.

**D. OCE COPIER CONTRACT EXTENSION**

Clerk Phillips explained that the lease on the Oce Copy machine has been completed. The lease was for 48 months at a cost of \$163.72 per month. Oce has offered to cover the machine with a 12 month service agreement at a cost of \$0.0108 per copy. This includes all toner, but does not include staples and paper. The machine has about 500,000 copies on it. It is working fine and the Oce repairman said these machines can go over 2,000,000 copies. Clerk Phillips recommended the Township approve the service agreement.

It was moved by Phillips, seconded by McKinney, that the Superior Township Board approve the 12 month service agreement for the Oce copy machine at a cost of \$0.01080 per copy and to authorize the Supervisor to sign the agreement.

The motion carried by a voice vote.

**11. PAYMENT OF BILLS**

It was moved by McKinney, seconded by Caviston, that the bills be paid as submitted in the following amounts:  
General - \$1,072.50, for a total of \$1,072.50. 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 Caviston, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 8:10 p.m.

Respectfully submitted,

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David Phillips, Clerk

William McFarlane, Supervisor