

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 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 June 20, 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, Rodrick Green, Lisa Lewis and Alex Williams.

4. ADOPTION OF AGENDA

It was moved by McKinney, seconded by Green to adopt the agenda as amended, adding item d., Quotes for Repairs to Bathrooms in the Township Hall, and item e., Resolution Recognizing Max Marken, under New Business.

The motion carried by a voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF MAY 16, 2011

It was moved by McKinney, seconded by Caviston, to approve the minutes of the regular Board meeting of May 16, 2011, as presented.

The motion carried by a voice vote.

6. CITIZEN PARTICIPATION

A. LAURA LISISCKI, SUPERINTENDENT, WILLOW RUN COMMUNITY SCHOOLS

Laura Lisiscki, Superintendent of Willow Run Community Schools (WRCS), made a presentation to the Board. She explained that the WRCS has completed a redesign and reconfiguration of the school district, which will be put in place this fall. The main purpose was to improve student achievement, but consideration was also given to cost savings. They will close Cheney Academy and open four learning centers at existing

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schools. These learning centers will include various new learning programs. The school district has approximately 1750 students.

B. DEDRICK MARTIN, SUPERINTENDENT, YPSILANTI PUBLIC SCHOOLS

Dedrick Martin, Superintendent of the Ypsilanti Public Schools, made a presentation to the Board. Mr. Martin said he became the superintendent less than two years ago. He was proud that the school district has taken \$9 million out of a \$56 million budget, and closed several schools, without experiencing a reduction in the number of students, or a decline in achievement. He talked about the many specialized programs the Ypsilanti Public Schools have in place. The Ypsilanti Public Schools has about 3,800 students.

C. CITIZENS COMMENTS

Dan Smith, Washtenaw County Commissioner for the 2nd District explained that the contract for the Washtenaw County Sheriffs is close to being approved. The contract will cover 2012-2015 with a cost of about \$150,000 per year for each Public Safety Unit. They are proposing no increase in wages for 2012 and a 1% increase for each of the following years.

7. REPORTS

A. SUPERVISOR REPORT

Supervisor McFarlane reported on the following: The Township received 176 applicants for the one firefighter position. There are many good candidates. The position is to replace a firefighter who is retiring on August 15, 2011. A Special Board meeting may be needed in the first or second week of August to approve hiring the selected candidate. The Green Fair was held on Saturday, June 18, 2011. Although attendance was lower than last year, it was a success. Many residents enjoyed the informational booths, the free hot dogs and horse and pony rides. Washtenaw County approves the soil erosion permits in Superior Township. It is taking them 2-4 weeks to process a request. Developments cannot be started without obtaining the soil erosion permit. Several developers have complained that their construction has been delayed while they wait for the permit. The Township is going to look at options so that the Township can process and issue soil erosion permits. This may require the adoption of an ordinance. Superior Township Building Inspector Mayernik may do building plan review for York Township. Superior Township would bill York Township and these funds would help off-set the decline of revenues in Superior Township's Building Department. Riverine Development recently submitted an amended application for their private wastewater treatment facility. They

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are proposing the facility serve 1,250 stick built homes in the \$180, 000 price range, instead of the previously proposed 1,950 manufactured homes. They are proposing to use a membrane technology, instead of the previous dual sand filter. The appeal of the permit denial is on-hold until the amended application is reviewed by the MDEQ and the administrative law judge decides how he wants to proceed. Supervisor McFarlane said he does not see any merit in Riverine's amended application and will request the Township Attorney to submit a motion to dismiss.

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

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

The motion carried by a voice vote.

C. TREASURER'S INVESTMENT REPORT AS OF MARCH 31, 2011

Treasurer McKinney explained that the interest rates are still very low. She is not able to earn much interest on the invested funds.

It was moved by Caviston, seconded by Green, that the Superior Township Board receive the Treasurer's Report as of March 31, 2011.

The motion carried by a voice vote.

8. COMMUNICATIONS

A. ATTORNEY FRED LUCAS, MEDICAL MARIHUANA

Fred Lucas, Township Attorney, provided a letter to the Board, in which he recommended that the Board extend the current moratorium on medical marijuana until March of 2012. He said recent pronouncements by the federal government have him concerned about the potential for exposing township officials and staff to criminal liability for being involved in the legislation, regulation or enforcement of medical marijuana. He indicated that he felt it would be wise for the township to extend the moratorium to await further direction from both the state and federal governments regarding the appropriateness of such regulations.

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The Board discussed the issue. It was decided to receive the communication and to address an extension of the existing moratorium at the July 18, 2011 Board meeting.

It was moved by McKinney, seconded by Lewis to accept Mr. Lucas' May 20, 2011 letter regarding medical marijuana.

The motion carried by voice vote.

B. ITC HOLDINGS CORP., DONATION TO TOWNSHIP FOR TREE PLANTING

Supervisor McFarlane explained that ITC Holdings owns and operates the high tension electric transmission lines that run through the Township and the State. To maintain the reliability of the electric transmission system, they have to proactively maintain the vegetation within transmission corridors, which includes the removal of incompatible tree species. They have offered a donation to the Township of \$5,000 for plantings in common spaces, neighborhood parks, stump grinding and/or compatible species plantings in residential areas.

It was moved by McKinney, seconded by Lewis, for the Township to receive the \$5,000 donation from ITC Holdings for plantings as outlined in their June 15, 2011 letter.

The motion carried by a voice vote.

9. UNFINISHED BUSINESS

There was no unfinished business.

10. NEW BUSINESS

A. HURON RIVER WATERSHED COUNCIL MEMBERSHIP DUES 2011-2012

The Huron River Watershed Council provided information to the Board about the resources and services they provide the community. They have requested the Township renew their membership in the council for 2011-2012 at a cost of \$744.31.

It was moved by McKinney, seconded by Lewis, to approve the payment of the 2011-2012 dues to the Huron River Watershed Council in the amount of \$744.31.

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Roll call vote:

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

Nays: None

Absent: None

The motion carried.

**B. URBAN COUNTY REQUALIFICATION, COOPERATIVE AGREEMENT
AND RESOLUTION**

Supervisor McFarlane explained that by participating in the Urban County, the Township has access to benefits such as grants for street paving. This year, the Township has secured a grant thru Urban County for \$29,400.00 for re-paving Pine Court. Last year the Township received a grant thru Urban County for \$51,400.00 for the re-paving of Stephens Drive. Supervisor McFarlane recommended the Township continue to participate in the Urban County.

It was moved by McKinney, seconded by Caviston, for the Board to approve the following resolution and to approve the Cooperative Agreement with Urban County and to authorize the Supervisor to sign the Cooperative Agreement:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

RESOLUTION 2011-07

A RESOLUTION ANNOUNCING THE INTENT OF SUPERIOR CHARTER TOWNSHIP TO PARTICIPATE IN THE WASHTENAW URBAN COUNTY FOR FEDERAL ASSISTANCE FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DURING THE PERIOD OF JULY 1, 2012- JUNE 30, 2014.

WHEREAS, the Charter Township of Superior has been notified by the County of Washtenaw of its intent to seek status as an Urban County for the qualification period of July 1, 2012- June 30, 2014; and

WHEREAS, the County of Washtenaw invites all units of government within its boundaries to participate in the Urban County, in order to realize the benefits of the Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Program funding that the Urban County receives from the U.S. Department of Housing and Urban Development; and

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WHEREAS, the U.S. Department of Housing and Urban Development requires that the governing body of each participating jurisdiction consider and make known its decision by resolution whether to be included in (or excluded from) the Washtenaw Urban County; and

WHEREAS, each of the participants in the Urban County are represented by the chief elected official of that jurisdiction or their formal designee on the Urban County Executive Committee;

NOW, THEREFORE, BE IT RESOLVED that the Charter Township of Superior Board of Trustees hereby agrees to participate in the Washtenaw Urban County for federal assistance from the U.S. Department of Housing and Urban Development during the period of July 1, 2012- June 30, 2014.

BE IT FURTHER RESOLVED that the Charter Township of Superior intends to remain in the Washtenaw Urban County Community Development Block Grant and Home Investment Partnerships Programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time as it is in the best interest of the Township to terminate the Cooperation Agreement with Washtenaw County, which was originally signed in June/July of 2002 or 2005.

CERTIFICATE

I, David Phillips, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that the forgoing constitutes a true and complete copy of a Resolution which was duly adopted by the Township Board of Superior Charter Township at a Regular Meeting of said Board held on June 20, 2011. I further certify that resolution was adopted unanimously.

Dated: June 20, 2012

David Phillips, Clerk, Superior Charter Township

COOPERATIVE AGREEMENT

"Urban County"

Community Development Block Grant & Home Investment Partnership Programs

THIS AGREEMENT made and entered into this _____ **day** of June, **2011** by and between the Township of Superior, State of Michigan hereinafter referred to as the "Community", and the County of Washtenaw, a Michigan Constitutional Corporation, State of Michigan, hereinafter referred to as the "County":

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WHEREAS, the Housing and Community Development Act of 1974 as amended provides an entitlement of funds for Community Development purposes for urban counties; and

WHEREAS, **Washtenaw** County has been designated as an Urban County provided that it secures Cooperation Agreements with various communities in **Washtenaw** County; and

WHEREAS, this agreement covers both the Community Development Block Grant Entitlement Program and, where applicable, the HOME Investment Partnership program; and

NOW THEREFORE, the Community and County do hereby promise and agree:

THAT the Community may not apply for grants from appropriations under Small Cities or State CDBG programs for fiscal years during the period in which it is participating in the urban county's CDBG program; and

THAT the Community may not participate in a HOME consortium except through the urban county, regardless of whether the urban county receives a HOME formula allocation; and,

THAT the County shall have final responsibility for selecting Community Development Block Grant (and HOME, where applicable) activities and annually filing a Consolidated Plan with HUD;

THAT the County will, on behalf of the Community, execute essential Community Development and Housing Assistance applications, plans, programs and projects eligible under the Housing and Development Act of 1974 as amended; and

THAT the Community and the County will cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing; and

THAT the Community and the County will take all actions necessary to assure compliance with the County's certification required by Section ~104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, and other applicable laws; that the County is prohibited from funding activities in or in support of any community that does not affirmatively further fair housing within its own jurisdiction, or that impedes the County's action to comply with its fair housing certification; and that funding by the County is contingent upon the Community's compliance with the above; and

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THAT the Community has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction; and

THAT the qualification period of this agreement as defined in the HUD regulations and guidelines shall be Federal Fiscal Years 2012, 2013 and 2014, and such additional period of time for the purpose of carrying out activities funded by Community Development Block Grants and Home Investment Partnership Program grants from Federal Fiscal years 2012, 2013 and 2014 appropriations and from any program income generated from the expenditure of such funds; further that the period of time of this Agreement shall be automatically renewed in successive three-year qualification periods, unless the County or the Community provides written notice it elects not to participate in a new qualification period. A copy of this notice must be sent to the HUD State Office by the date specified in HUD's urban county qualification notice for the next qualification period; further the County will notify the Community in writing of its right to make such election by the date specified in HUD's urban county qualification notice; and

THAT the Community resolves to remain in **Washtenaw's** Urban County programs for an indefinite period of time or until such time it's in the best interest of this Community to terminate the Cooperation Agreement and such additional period of time for the purpose of carrying out activities funded by Community Development Block Grants and from any program income generated from the expenditure of such funds. Furthermore, that the period of time of this Agreement shall be automatically renewed in successive three-year qualification periods, unless the County or the Community provides written notice it elects not to participate in a new qualification period. A copy of this notice must be sent to the HUD State Office by the date specified in HUD's Urban County Qualification Notice for the next qualification period; further the County will notify the Community in writing of its right to make such election by the date specified in HUD's Urban County Qualification Notice; and

THAT failure by either party to adopt an amendment to this Agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a subsequent three year urban county qualification period, and to submit the amendment to HUD as provided in the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period, and to submit the amendment to HUD as provided in the Urban County Qualification Notice, will void the automatic renewal of such qualification period; and

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THAT this Agreement remains in effect until the CDBG (and HOME where applicable) funds and income received with respect to activities carried out during the three year qualification period (and any successive qualification periods under this automatic renewal provision) are expended and the funded activities completed, and that the County and Community may not terminate or withdraw from this agreement while this agreement remains in effect; and

THAT the Community shall inform the County of any income generated by the expenditure of CDBG funds received by the Community; and

THAT any such program income generated by the Community must be paid to the County, unless at the County's discretion, the Community may retain the program income as set forth in 24 CPR 570.503; and

THAT any program income the Community is authorized by the County to retain may only be used for eligible activities approved by the County in accordance with all CDBG requirements as may then apply; and

THAT the County has the responsibility for monitoring and reporting to HUD on the use of any such program income, thereby requiring appropriate record keeping and reporting by the Community as may be needed for this purpose; and

THAT in the event of close-out or change in status of the Community, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to the County; and

THAT the Community shall provide timely notification to the County of any modification or change in the use of the real property from that planned at the time of acquisition or improvement including disposition; and

THAT the Community shall reimburse the County in the amount equal to the current fair market value (less any portion of the value attributable to expenditures of non-CDBG funds) of real property acquired or improved with Community Development Block Grant funds that is sold or transferred for the use which does not qualify under the CDBG regulations; and

THAT the Community shall return to the County program income generated from the disposition or transfer of real property prior to or subsequent to the close-out, change of status or termination of the cooperation agreement between the County and the Community; and

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THAT the terms and provisions of this Agreement are fully authorized under State and local law, and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing; and

THAT pursuant to 24 CFR ~570.501(b), the Community is subject to the same requirements applicable to sub recipients, including the requirement for a written agreement set forth in 24 CFR 570.503.

IN WITNESS WHEREOF, the Community and the County have by resolutions authorized this agreement to be executed by their respective officers thereunto as of the day and year first above written.

COUNTY OF WASHTENAW

Name: Verna J. McDaniel

Title: County Administrator

Signature & date: _____

Attested By:

Name: Lawrence Kestenbaum

Title: County Clerk/ Register

Signature & date: _____

COMMUNITY OF SUPERIOR CHARTER TOWNSHIP

William McFarlane

Title: Supervisor

Signature & date: _____

Attested By:

David Phillips

Title: Clerk

Signature & date: _____

CERTIFICATION BY COUNTY CORPORATION COUNSEL

The undersigned, Corporation Counsel for the County of **Washtenaw**, certifies that the terms and provisions of the foregoing agreement are fully authorized under existing State and local law and that the agreement provides full legal authority for the County to undertake or assist in undertaking essential community development and

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housing assistance activities, specifically urban renewal and public assisted housing in cooperation with local units of government.

Name: Curtis Hedger
Title: Corporation Counsel

Signature & date: _____

Roll call vote:

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

Nays: None

Absent: None

The motion carried.

C. POSTAGE MACHINE RENEWAL

Township Accountant Susan Mumm provided a memo to the Board advising that the current lease on the postage meter expires in December. She recommends that the Township enter into a new lease with Pitney Bowes, which will begin in July, 2011. It would be a 48 month lease at a cost of \$272.00 per month, which is \$44.00 less per month than the current lease. It would be for a newer model postage meter.

It was moved by Caviston, seconded by Green, for the Superior Township Board to approve the renewal of the lease of the postage meter with Pitney-Bowes for 48 months at the cost of \$272.00 per month and to authorize the Supervisor to sign the lease.

Roll call vote:

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

Nays: None

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Absent: None

The motion carried.

D. QUOTES FOR REPAIRS TO BATHROOMS IN THE TOWNSHIP HALL

Township Building Inspector Rick Mayernik presented a memo, which included quotes from two plumbers for the replacement of four faucets, grid drains and traps located in the west bathrooms. He recommended the Board accept the bid from Al Walk Plumbing, Inc., in the amount of \$1,200.00. Supervisor McFarlane explained that the cleaning solution used was acidic and the faucets have become discolored and pitted. Some of the drains have holes from where the solution has eaten through.

It was moved by Lewis, seconded by McKinney, for the Superior Township Board to approve the proposal from Al Walk Plumbing to replace faucets, grid drains and traps in the west bathrooms of the Township Hall at a cost of \$1,200.00. Also, to approve the replacement of the four soap dispensers at a cost of \$400.00 total, if Township staff determines it is necessary.

The motion carried by a unanimous voice vote.

E. RESOLUTION RECOGNIZING MAX MARKEN

Max Marken passed away on June 15, 2011. He was a long time Dixboro resident who contributed a great deal to the community. He was well-known throughout the community and will be greatly missed. The following resolution was moved by McKinney, and seconded by Caviston:

**SUPERIOR TOWNSHIP BOARD OF TRUSTEES
WASHTENAW COUNTY, MICHIGAN
JUNE 20, 2011
RESOLUTION 2011-08**

**A RESOLUTION RECOGNIZING
RETIRED FIRE CHIEF
MAX MARKEN
FOR HIS CONTRIBUTIONS TO SUPERIOR TOWNSHIP**

WHEREAS, this 20th day of June 2011 the Charter Township of Superior wishes to recognize the many contributions of Township resident Max Marken; and

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WHEREAS, Max Marken lived in Dixboro Village since his youth and always made a direct positive impact on the community; and
WHEREAS, Max Marken served Superior Township from 1954 until 1994 as Fire Chief and Fire Marshal; and
WHEREAS, Max Marken served on the Dixboro Design Review Board for many years; and
WHEREAS, Max Marken worked Elections and generally contributed to the Township in many ways; and
WHEREAS, Max Marken served in the United States Navy during World War II honorably; and
NOW THEREFORE BE IT RESOLVED the Charter Township of Superior recognize him for his many contributions to his Township, State and Country.
BE IT FURTHER RESOLVED the Charter Township of Superior mark June 20, 2011 as *Max Marken Day* for his many contributions.

The resolution was adopted by unanimous voice vote.

11. PAYMENT OF BILLS

There were no bills for payment.

It was moved by Caviston, seconded by Lewis, to receive the Record of Disbursements.

12. PLEAS AND PETITION

Mr. Lemont Gore, Street Outreach Coordinator, HIV/AIDS Resource Center (HARC), provided each Board member with a packet of information. He requested that Board members review the information and consider placing him on the agenda of the July 18, 2011 Board Meeting. He would like to reinstitute HARC's street outreach program in the area of the Danbury Apartments.

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 8:30 p.m.

Respectfully submitted,

David Phillips, Clerk

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William McFarlane, Supervisor