

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JULY 15, 2013
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 William McFarlane at 7:30 p.m. on July 15, 2013, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

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

4. ADOPTION OF AGENDA

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

The motion carried by unanimous voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF JUNE 17, 2013

It was moved by Caviston, seconded by Green to approve the minutes of the regular Board meeting of June 17, 2013, as presented.

The motion carried by a unanimous voice vote.

6. CITIZEN PARTICIPATION

There was none.

7. REPORTS

A. SUPERVISOR REPORT

Supervisor McFarlane reported on the following: A bridge in Community Park collapsed last month as a result of a Sheriff's deputy riding a large horse across it. The sheriff broke her arm but no one else, including the horse, suffered any injuries. The Parks Department is in the process of having the bridge replaced. It will be constructed to current standards and there will be a sign installed to indicate the bridge is only for pedestrian traffic. The Fire Department recently used their new ATV to assist the Sheriff's Department dive team during a recent rescue/recovery operation of a drowning. Tom Freeman, Washtenaw County Parks Department,

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will be meeting with Township officials on Wednesday, July 17, 2013 to discuss installing a non-motorized trail that will be just east of Prospect Road, will start at Cherry Hill and will end at Geddes Road. The roof at the Fire Department Station No. 1 is still leaking. The Township is working on creating an RFP, bidding out the repair and also investigating if the Township may be able to recover any of the costs related to the repair of the roof. Republic Services will begin a new procedure for overdue bills. Republic will pick-up the carts and it will cost the customer \$35.00 to have the cart returned and service re-started. Board members were concerned that the customers be provided with adequate notice of non-payment.

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

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

The motion carried by a voice vote.

8. COMMUNICATIONS

A. RICK CHURCH, DIRECTOR, SUPERIOR TOWNSHIP UTILITY DEPARTMENT, NOTICE OF RESIGNATION

In a letter dated July 9, 2013, Rick Church, Director, Superior Township Utility Department, provided his official notification that he is retiring on October 31, 2013, which will also be his last day of work. Board members praised Mr. Church, thanked him for his 32 years of service with the Township and indicated their regrets at his departure.

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

The motion carried by a unanimous voice vote.

B. SEMCOG NEWS RELEASE

In a news release dated June 25, 2013, SEMCOG announced the 2013-2014 elected leadership of SEMCOG. Trustee Rodrick Green was elected to the position of Vice Chairperson. Trustee Green indicated he enjoys working with SEMCOG and that anything that happens in southeast Michigan affects Superior Township.

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It was moved by Caviston, seconded by Lewis, for the Board for the Board to receive the news release dated June 25, 2013 from SEMCOG.

The motion carried by a unanimous voice vote.

C. DTE ENERGY, LETTER ABOUT OPTING-OUT FROM THE ADVANCED UTILITY METER PROGRAM

In a letter dated June 14, 2013, DTE Energy explained that Michigan Public Service Commission (MPSC) Staff issued a report (MPSC Report to the Commission in Case No. U-17000) that specifically addressed the safety of advanced meters. The MPSC Staff report indicated that after careful review, Staff determined that the health risk from the installation and operation of the advanced metering systems is insignificant. Residential customers who choose to not have the advanced meter system installed may participate in the Opt-Out Program. There is an initial fee of \$67.20 to opt-out of the program, followed by a monthly charge of \$9.80 per month.

It was moved by Green, seconded by Lewis, for the Board to receive the June 14, 2013 letter from DTE Energy concerning opting-out of the advanced meter program.

9. UNFINISHED BUSINESS

There was none.

10. NEW BUSINESS

A. RESOLUTION 2013-18, UTILITY DEPARTMENT RATE INCREASE FOR THE ANN ARBOR WATER DISTRICT

In a Request for Legislation dated July 15, 2013, Rick Church, Director, Superior Township Utility Department, explained that Ann Arbor Township is increasing the costs of providing water and sewer to Superior Township by 1.0% for water and 3.7% for sewer. He is recommending that the same increase be passed along to the residents within the water district. There are 36 households in the water district and the rate will increase an average quarterly residential bill of 2,600 cubic feet by \$8.32.

The following resolution was moved by Lewis, supported by Green:

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SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN

July 15, 2013

Resolution 2013-18

Resolution Amending the Rates, Fees and Charges Related to Sewer and Water Services
Provided by the Township's Utility Department

At a regular meeting of the Township Board of Trustees of Superior Charter Township, Washtenaw County, Michigan, held at the Township Hall of said Township on the 15th of July 2013, at 7:30 p.m. Eastern Standard Time, the following resolution was offered by Lewis and supported by Green.

WHEREAS, this Board is authorized by statute and by the provisions of Township Ordinance No. 169 to determine by resolution rates, fees and charges for services and benefits by Township's sewer and water systems, and

WHEREAS, Ann Arbor Township has increased the charge for water by 1.0% and for sewer by 3.7%, and

WHEREAS, the Superior Charter Township Utility Fund may not operate at a deficit, and

WHEREAS, after an analysis of the effect of the new charges for water and sewer, it was determined that it would be adequate to increase our rates by 100% of the increase the Township would be receiving, and

WHEREAS, this Board finds that the amended proposed schedule of fees is reasonable and necessary for the continuing operations of the Township Utility System and consistent with the past practices and policies of the Township;

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NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board does hereby determine that the fees for services and benefits furnished by the Township's sewer and water systems shall be amended per the attached Schedule A; and

BE IT FURTHER RESOLVED that this Resolution and attached schedule shall be published pursuant to Section 8 of the Charter Township Act being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti 48198 and on the Township website – www.superior-twp.org – with notice of such in *The Ypsilanti Courier*, a newspaper of general circulation in the Township qualified under state law to publish legal notices, said rate changes shall be effective on August 1, 2013.

SCHEDULE A

SUPERIOR CHARTER TOWNSHIP

UTILITY DEPARTMENT FEES

575 EAST CLARK ROAD

YPSILANTI, MI 48198

734-480-5500

RESOLUTION ADOPTED FEBRUARY 27, 1996 AND AS AMENDED THROUGH JULY 15 2013, SCHEDULE OF RATES, FEES AND CHARGES RELATED TO SEWER AND WATER SERVICES PROVIDED BY THE TOWNSHIP'S UTILITY DEPARTMENT.

Service Rates:

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- A. Water and sewer (including wastewater treatment) rates for Township customers served from the Ann Arbor Charter Township system.

Effective August 1, 2013

Water	\$7.35 per 100 cubic feet
Minimum quarterly billing	\$73.50 (1000 cubic feet)

Effective August 1, 2013

Sewer	\$6.99 per 100 cubic feet
Minimum quarterly billing	\$69.90 (1000 cubic feet)

NOTE: All sewer rates and surcharges are based on water usage, except to the extent of water metered through a separate "Water-only" meter.

Ayes: McFarlane, Phillips, Caviston, Green, Lewis

Nays: None

Absent: McKinney, Williams

The motion carried the Resolution was adopted.

B. ORDINANCE NO. 187, FIREWORKS ORDINANCE, FIRST READING

A recent change in the State law governing the use of fireworks (Fireworks Safety Act, PA 256 of 2011 as amended), local units of government now have the authority to regulate the ignition, use and possession of fireworks during certain days and hours. The Township has received numerous complaints from residents about people using fireworks at very late hours. Additionally, Sheriff's deputies assigned to the Township recommended that the Township enact such an ordinance as it provides them with another tool to use. Ypsilanti Township has already adopted such an ordinance.

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It was moved by Phillips, seconded by Lewis, for the Board to approve the first reading of the following ordinance:

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN
ORDINANCE No. 187**

**FIREWORKS ORDINANCE
FIRST READING**

AN ORDINANCE TO REGULATE THE POSSESSION AND USE OF FIREWORKS WITHIN THE CHARTER TOWNSHIP OF SUPERIOR.

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

That Ordinance No. 187, Fireworks, is hereby adopted:

Sec. 1. Title

This Ordinance shall hereafter be known and may be cited as the Charter Township of Superior Fireworks Ordinance.

Sec. 2. Definitions

As used in this section, the following definitions shall apply:

APA standard 87-1 means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.

Consumer fireworks means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. *Consumer fireworks* does not include low-impact fireworks.

Fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.

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Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

Minor means an individual who is less than 18 years of age.

National holiday means the following legal public holidays:

1. New Year's Day
2. Martin Luther King, Jr. Day
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Columbus Day,
8. Veteran's Day
9. Thanksgiving Day
10. Christmas Day

Sec. 3. Ignition, discharge and use of consumer fireworks

A person shall not ignite, discharge or use consumer fireworks, except on the day preceding, the day of, or the day after a national holiday. On days during which the use of consumer fireworks is permitted, a person shall not ignite, discharge or use consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m.

Sec. 4. Possession of consumer fireworks by minor

A minor shall not possess consumer fireworks.

Sec. 5. Determination of violation; seizure

If a police officer determines that a violation of this ordinance has occurred, the officer may seize the consumer fireworks as evidence of the violation.

Sec. 6. Penalty

- A. A violation of this ordinance is a civil infraction, punishable by a fine up to \$500.00, plus the costs of prosecution.
- B. Following final disposition of a finding of responsibility for violating this section, the township may dispose of or destroy any consumer fireworks retained as evidence in that prosecution.
- C. In addition to any other penalty, a person that is found responsible for a violation of this section shall be required to reimburse the township for the costs of storing,

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disposing of, or destroying consumer fireworks that were confiscated for a violation of this section.

Sec. 7. Repealer

All ordinances or parts thereof which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, except that terms defined herein for the purpose of interpretation, administration and enforcement of this Ordinance shall not act to modify, repeal or otherwise change the definition of any such term as used in other ordinances or laws.

Sec. 8. Savings Clause

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

Sec. 9. Adoption and Effective Date

This Ordinance shall be published in the manner as required by law. Except as otherwise provide by law, this Ordinance shall be effective on the day after final publication.

Ayes: Phillips, Caviston, Green, Lewis, McFarlane

Nays: None

Absent: McKinney, Williams

The motion carried, the ordinance was approved for first reading.

C. WATS 2014 MEMBERSHIP DUES

Board members expressed support for the Township's continued membership with the Washtenaw Area Transportation Study (WATS). Board members indicated that WATS assists with recommendations for transportation projects that result in significant federal funds to projects in Washtenaw County. Board members felt that the Township received considerably value for the WATS membership dues, which are \$1,000.00 for 2014.

It was moved by Caviston, seconded by Lewis, to approve payment of the WATS membership dues for FY2014 in the amount of \$1,000.00.

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The motion carried by unanimous voice vote

D. SEMCOG 2013 MEMBERSHIP DUES

Board members expressed support for the Township's membership to SEMCOG. Board members indicated that a lot of federal funds are funneled through SEMCOG for transportation and other infrastructure projects. Board members were supportive of the Township continuing to maintain membership in SEMCOG.

It was moved by Caviston, seconded by Lewis, to approve payment of the SEMCOG membership dues for 2014 in the amount of \$1,562.00.

The motion carried by unanimous voice vote.

11. PAYMENT OF BILLS

It was moved by Caviston, seconded by Lewis, that the bills be paid as submitted in the following amounts: General - \$ 1,560.00; Utilities - \$3,900.00 for a total of \$5,460.00. Further, that the Record of Disbursements be received.

The motion carried by a unanimous voice vote.

12. PLEAS AND PETITION

Washtenaw County Road Commissioner Ken Schwartz was present. He explained some of the work being performed in the Township by the Road Commission. Projects include the installation of a new culvert across Ridge Road. The \$350,000.00 cost of this project is being paid for entirely by the Road Commission. The Road Commission is also considering additional work to Vorhies (chip sealing), which may require an additional contribution by the Township. Commissioner Schwarz indicated that Superior Township has been receiving a good share of Road Commission funded projects.

13. ADJOURNMENT

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It was moved by Caviston, seconded by Green, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 8:15 p.m.

Respectfully submitted,

David Phillips, Clerk

William McFarlane, Supervisor