

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
OCTOBER 20, 2014  
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 7:30 p.m. on October 20, 2014, 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, Brenda McKinney, Nancy Caviston, Rodrick Green and Lisa Lewis. Trustee Alex Williams was absent.

**4. ADOPTION OF AGENDA**

It was moved by Caviston seconded by Green, to adopt the agenda as presented, with the addition of Trustee Alex Williams' email concerning agenda items as item a. under Communications and to postpone action on item a. Resolution 2014-44 Township Credit Cards, under Unfinished Business, until the next regularly scheduled Board Meeting of November 17, 2014.

The motion carried by unanimous voice vote.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF SEPTEMBER 15, 2014**

It was moved by McKinney, seconded by Caviston, to approve the minutes of the regular Board meeting of September 15, 2014, as presented.

The motion carried by a unanimous voice vote.

**B. SPECIAL MEETING OF OCTOBER 14, 2014**

It was moved by McKinney, seconded by Caviston, to approve the minutes of the special Board meeting of October 14, 2014, as presented.

The motion carried by a unanimous voice vote.

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**6. CITIZEN PARTICIPATION**

**A. PUBLIC HEARING ON 2015 BUDGETS AND TRUTH-IN-TAXATION**

Supervisor Schwartz explained the millage rates and FY2015 budgets. There were no comments or questions from the public.

**B. CITIZEN COMMENTS**

Resident B. Baker informed the Board that yard waste collection by Republic ends either the week of November 17, 2014 or November 25, 2014, depending on which service area the customer resides. She requested the Board try to extend the pick up until after the Thanksgiving weekend in order to allow for all of the leaves to fall and for residents to complete their clean-up over the Thanksgiving weekend.

**7. REPORTS**

**A. SUPERVISOR REPORT**

Supervisor Schwartz reported on the following: Last year, the Township used outside contractors to pick up yard waste after Republic ended their yard waste pick up. He plans to do the same this year.

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

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

The motion carried by a unanimous voice vote.

**C. UTILITY DEPARTMENT FINANCIAL REPORTS PERIOD ENDING AUGUST 31, 2014**

It was moved by McKinney, seconded by Caviston, for the Board to accept the Utility Department Financial Reports for the period ending August 31, 2014.

The motion carried by a unanimous voice vote.

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**8. COMMUNICATIONS**

**A. TRUSTEE ALEX WILLIAMS OCTOBER 18, 2014 EMAIL, COMMENTS  
ON BOARD MEETING PACKET FOR OCTOBER 20, 2014**

Trustee Williams was unable to attend this meeting but he provided an email with comments on several of the agenda items. Board members discussed his comments and noted that his comments concerning the YCUA contract can be addressed when the item is on the agenda of the November 17, 2014 Board meeting.

It was moved by Green, seconded by Lewis, for the Board to receive Trustee Williams' October 18, 2014 email.

The motion carried by unanimous voice vote.

**9. UNFINISHED BUSINESS**

**A. RESOLUTION 2014-44, TOWNSHIP CREDIT CARDS**

During adoption of the agenda, this agenda item was tabled until the next regularly scheduled meeting of November 17, 2014.

**10. NEW BUSINESS**

**A. RESOLUTION 2014-46, ADOPTION OF FY2015 MILLAGE RATES**

Supervisor Schwartz explained that the operating millage is proposed to be increased to the full levy allowed by law, 0.8192 mills. He explained that the additional revenue generated by this increase will be dedicated to infrastructure improvements, such as the Township Hall Parking lot, to pay down the unfunded pension liability and to help pay for the 27<sup>th</sup> pay that occurs in 2015. The Legal Defense millage is proposed to be increased to the full levy allowed by law, 0.250 mills. He explained that the Rock Riverine owners may sell the development rights on probably 300 acres to the Ann Arbor Greenbelt and the Greenbelt may require some contribution from the Township for this transaction.

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

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**CHARTER TOWNSHIP OF SUPERIOR  
BOARD OF TRUSTEE’S RESOLUTION**

**OCTOBER 20, 2014**

**RESOLUTION 2014-46**

**A RESOLUTION ADOPTING GENERAL APPROPRIATION ACT MILLAGE RATES:**

**WHEREAS:** the Charter Township of Superior Board of Trustee’s has carefully reviewed the Township’s current and projected financial needs, and

**WHEREAS:** the Board of Trustee’s recognizes its responsibility to the citizens of the Charter Township of Superior to carefully monitor the Township funds and provide necessary revenue to offset proposed expenditures, and

**WHEREAS:** the auditors suggested that millage rates for revenue should be by resolution, and

**WHEREAS:** the projected revenues will be based on the taxable value of the parcels based on or after tax tribunal hearing results are submitted, and

**THEREFORE BE IT RESOLVED:** that the Charter Township of Superior Board of Trustee’s adopts the millages on the attachment by Resolution as listed.

	TAXABLE VALUE	MILLAGE	TOTAL TAX REVENUE
<b>GENERAL</b>			
REG	\$ 545,139,916	0.8192	\$446,578.62
IFT	\$ 42,795,978	0.4096	\$17,529.23
<b>FIRE</b>	Voter Approved		
REG	\$ 545,139,916	3.0	\$1,635,419.75
IFT	\$ 42,795,978	1.5	\$64,193.97
<b>LAW</b>	Voter Approved		
REG	\$ 545,139,916	2.25	\$1,226,564.81
IFT	\$ 42,795,978	1.125	\$48,145.48
<b>LEGAL</b>	Voter Approved		

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<b>DEFENSE</b>			
REG	\$545,139,916	0.2500	\$136,284.98
IFT	\$ 42,795,978	0.1250	\$5,349.50

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

Nays: None

Absent: Williams

The motion carried. The resolution was adopted.

**B. RESOLUTION 2014-47, ADOPTION OF FY2015 BUDGETS ALL FUNDS**

Supervisor Schwartz reviewed some sections of the budget. Clerk Phillips explained his cost for salaries for elections and the Clerk’s office.

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

**CHARTER TOWNSHIP OF SUPERIOR  
BOARD OF TRUSTEE’S  
A RESOLUTION ADOPTING GENERAL APPROPRIATIONS ACT:  
2015 BUDGETS FOR ALL FUNDS**

**OCTOBER 20, 2014  
RESOLUTION 2014-47**

**WHEREAS:** the Charter Township of Superior Board of Trustee’s has carefully reviewed the Township’s current and projected financial needs, and

**WHEREAS:** the Charter Township of Superior Board of Trustees recognizes its responsibility to the citizens of Superior Township to carefully monitor the Township funds and provide for the needs of the Township, and

**WHEREAS:** the Board of Trustees of the Charter Township of Superior has carefully

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considered the projected revenues and expenditures for the coming year, and

**NOW THEREFORE BE IT RESOLVED:** that the Charter Township of Superior Board of Trustee’s adopt the proposed budgets for the 2015 calendar year: the General Fund Budget by activity dated October 20, 2014, the Fire fund Budget dated October 20, 2014, the Building Fund budget dated October 20, 2014, the Law Fund budget dated October 20, 2014, the Park Fund Budget dated October 20, 2014, the Utility Fund Budget dated October 20, 2014, The Streetlight Budget dated October 20, 2014, the Side Street Maintenance fund budget dated October 20, 2014, the Legal Defense Growth Management fund dated October 20, 2014, and the Hyundai Special Assessment Fund dated October 20, 2014.

Fund	Revenues	Expenditures	Transfers
General	\$1,863,085	\$1,618,219	\$242,311
Fire	1,712,244	1,532,862	153,316
Law	1,692,620	1,692,620	-0-
Building	176,599	176,599	-0-
Parks	288,911	288,911	-0-
Legal Defense	141,635	13,600	125,810
Streetlights	89,352	89,352	-0-
Sidestreet Maint.	19,120	16,854	2,266
Hyundai SAD	140,000	140,000	-0-
Utilities	3,083,418	3,018,348	65,070

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

Nays: None

Absent: Williams

The motion carried. The resolution was adopted.

**C. RESOLUTION 2014-48, APPROVE 2015 SALARIES FOR NON-UNION EMPLOYEES**

Supervisor Schwartz explained that the 3% salary increase was proposed because staff at the Township has been doing more. Several positions were reduced by attrition and the extra work and responsibilities was picked up by other staff members.

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

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
OCTOBER 20, 2014  
RESOLUTION 2014-48**

**A RESOLUTION AFFIRMING THE SALARIES OF ALL NON-UNION EMPLOYEES  
OF SUPERIOR TOWNSHIP FOR THE 2015 BUDGET**

**WHEREAS:** the Superior Charter Township Board of Trustees approved the 2015 budgets for all funds on October 20, 2014; and

**WHEREAS:** the Board of Trustees did not specifically designate the compensation for the full-time and part time Township employees and

**WHEREAS:** the Township auditors have requested that the compensation for the employees be approved by the Board of Trustees by resolution; and

**WHEREAS:** the residents of Superior Township continue to receive service that reflects positively on the employees, officials and trustees of the Township,

**NOW THEREFORE BE IT RESOLVED:** that compensation for all full-time and part-time non-union employees be three percent (3%) higher in 2015 than their compensation in 2014, except the administrative assistant and the deputy treasurer/assessing assistant shall be five percent (5%) higher as listed in the 2014 budget adopted by the Superior Charter Township Board of Trustees.

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

Nays: None

Absent: Williams

The motion carried. The resolution was approved.

**D. RESOLUTION 2014-49, APPROVE 2015 SALARIES FOR FULL-TIME ELECTED OFFICIALS**

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Supervisor Schwartz explained that the proposed salary increase for full-time elected officials was the same as the increase for full-time, non-union employees.

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

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
OCTOBER 20, 2014  
RESOLUTION 2014-49**

**A RESOLUTION AFFIRMING THE SALARIES OF FULL-TIME ELECTED  
OFFICIALS AND TOWNSHIP TRUSTEES FOR THE 2015 BUDGET**

**WHEREAS:** the Superior Charter Township Board of Trustees approved the 2015 budgets for all funds on October 20, 2014; and

**WHEREAS:** the Board of Trustees did not specifically designate the compensation for the full-time elected officials or the Board of Trustees; and

**WHEREAS:** the Township auditors have requested that the compensation for the full-time elected officials and the Board of Trustees be approved by the Board of Trustees by resolution; and

**WHEREAS:** the residents of Superior Township continue to receive service that reflects positively on the employees, officials and trustees of the Township,

**NOW THEREFORE BE IT RESOLVED:** that compensation for the Treasurer, Clerk and Supervisor be three percent (3%) higher in 2015 than their compensation in 2014 as listed in the 2015 budget adopted by the Superior Charter Township Board of Trustees.

**BE IT FURTHER RESOLVED:** that the compensation for the Board of Trustees to remain the same.

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

Nays: None

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Absent: Williams

The motion carried. The resolution was adopted.

**E. RESOLUTION 2014-50, PLANNING CONSULTANT SERVICES FOR THE  
MASTER PLAN REVISION**

Clerk Phillips explained that in August 2013, the Board approved an agreement with the Township's Planning consultant, Don Pennington, to assist the planning commission in reviewing and revising the Township's Master Plan at a cost of \$9,250.00. The planning commission and Township officials expanded the scope of the original agreement, which resulted in added costs. There may also be additional updating of various sections of the Master Plan, which would also result in additional costs. This review and amending of the Master Plan will satisfy the law's requirement that the Master Plan be reviewed every five years.

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

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

**RESOLUTION TO ENTER INTO AN AGREEMENT FOR  
PLANNING CONSULTANT SERVICES FOR THE REVISION AND  
AMENDMENT OF THE SUPERIOR TOWNSHIP MASTER PLAN**

**Resolution Number: 2014-50**

**Date: October 20, 2014**

**WHEREAS**, in August 2013, the Superior Township Board of Trustees ("the Board") initiated a process through the Superior Township Planning Commission to amend and update the adopted Master Plan in accordance with the requirements of the Michigan Planning Enabling Act ("the Act"), which is Public Act 33 of 2008 as amended; and

**WHEREAS**, in August 2013, the Board approved an agreement with Planning Consultants Don Pennington and Rodney Nanney, authorizing their additional services under an existing agreement for professional planning advisory services to assist the Planning Commission and

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Township Board with potential amendments to the Township's Master Plan at a cost not to exceed \$9,250.00; and

**WHEREAS**, the Planning Commission has reviewed the 2010 Master Plan, identified priorities for improvement, and completed proposed amendments to the plan, which include amending Chapters 6, 7 and 10, and focuses on expanding the Planned Manufacturing zoning in Sections 32 and 33 of the Township and adding future uses, which include office/service uses to approximately 63 acres located in the southeast corner of Section 36 of the Township; and

**WHEREAS**, to date, the funds expended on this amendment process total \$7,540 for planning consultant fees and \$1,155 for attorney fees, for a total of \$8,695.00; and

**WHEREAS**, the review and amendment process is not complete and will require additional work by the planning consultants; and

**NOW, THEREFORE, BE IT RESOLVED** that the Superior Charter Township Board of Trustees approves an additional \$5,000 to be used for planning consultant fees and any other costs related to the completion of the revision and amendment of the *Superior Township Master Plan: A Growth Management Plan -2010*

**BE IT FURTHER RESOLVED** that the Township Board hereby expresses its appreciation to the members of the Superior Township Planning Commission for their commitment to the Master Planning process and for their thorough and well-considered revisions.

Ayes; Caviston, Green, Lewis, Schwartz, Phillips, McKinney

Nays: None

Absent: Williams

The motion carried. The resolution was adopted.

**F. RESOLUTION 2014-51, AMEND THE PERSONNEL MANUAL, "BAN THE BOX"**

Supervisor Schwartz explained that proposed amendment to the personnel manual would result in, unless required by law, the Township would not require disclosure of past criminal convictions on applications for employment. He further explained that the Township will still conduct a full background investigation, which will include a criminal history check, prior to offering to hire anyone.

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

**CHARTER TOWNSHIP OF SUPERIOR  
WASHTENAW COUNTY, MICHIGAN  
RESOLUTION AMENDING SUPERIOR TOWNSHIP  
PERSONNEL MANUAL**

**Resolution Number: 2014-51**

**Date: October 20, 2014**

**WHEREAS**, the Charter Township of Superior has adopted a personnel manual last revised on May 18, 2013; and,

**WHEREAS**, according to the Washtenaw County Michigan Prisoner Re-entry Initiative, approximately 300 individuals with felony convictions re-enter the workforce in Washtenaw County each year; and

**WHEREAS**, the lack of work opportunities for individuals with felony convictions is a significant factor in the increased recidivism rate for these individuals; and

**WHEREAS**, reducing the recidivism rate in Washtenaw County by providing greater work opportunities to individuals with felony convictions will not only increase public safety, but also be more cost effective for Township taxpayers as, according to The Citizens Alliance on Prisons and Public Spending 2008 Report the cost of incarceration is approximately \$32,000 per inmate, per year; and

**WHEREAS**, nationwide and across Michigan, many communities have adopted policies which remove requirements to disclose prior criminal history on employment applications in order to assist those individuals with felony convictions to receive a fair opportunity to obtain work;

**NOW THEREFORE BE IT RESOLVED** that the Superior Charter Township Board of Trustees agrees to remove any preliminary questions and referring to past felony convictions on the Superior Charter Township Employment Application and adopts the attached Employment of Individuals with Felony Convictions Policy. Said Policy shall be attached to the Superior Township Personnel Manual as Appendix B.

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**CERTIFICATION**

I, David Phillips, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Superior Charter Township Board held on October 20, 2014 and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

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David Phillips, Superior Township Clerk

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

Nays: None

Absent: Williams

The motion carried. The resolution was adopted.

**G. RESOLUTION 2014-52, YCUA WASTERWATER DISPOSAL CONTRACT 2013 TO 2043**

Supervisor Schwartz explained that the proposed contract is different than the previous contract because with the proposed contract the community has to pay for the capacity it reserves. He said the capacity reserved by the proposed contract is more than double the amount of the current flow.

He also recommended that the postpone action on the contract until the next regularly scheduled Board meeting of November 17, 2014. This will provide Board members with additional time to review the contract and it is expected that Trustee Williams will attend the meeting.

It was moved by Caviston, seconded by Green, for the Board to postpone action on the proposed YCUA contract and resolution 2014-52 until the next regularly scheduled Board meeting of November 17, 2015.

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The motion carried by a unanimous voice vote.

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**A RESOLUTION TO ADOPT A WASTEWATER CONVEYANCE AND  
DISPOSAL CONTRACT WITH YPSILANTI COMMUNITIES UTILITY  
AUTHORITY**

**Resolution Number: 2014-52**

**Date: October 20, 2014**

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 20th day of October, 2014, the following resolution was offered.

**WHEREAS**, this Board is authorized by statute to accept and approve a wastewater conveyance and disposal contract with Ypsilanti Communities Utility Authority; and,

**WHEREAS**, the Superior Township Board finds the proposed contract is reasonable and necessary based upon the anticipated residential and commercial growth in Superior Township over the next thirty-years; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Superior Charter Township Board does hereby approved the Wastewater Conveyance and Disposal Contract with the Ypsilanti Community Utility Authority and authorizes the Supervisor and Clerk to execute said contract.

**H. RESOLUTION 2014-53, ADOPT ORDINANCE 188, EMERGENCY SNOW  
ORDINANCE**

Supervisor Schwartz explained that during the severe winter of 2013-2014, deficiencies in the Township's Snow Emergency Ordinance became apparent. There was not good mechanism to remove vehicles parked on public roads that impaired the ability to remove the snow from the roads.

Supervisor Schwarz recommended the Board approve the first reading of the proposed amended ordinance. Board members and the public are encouraged to forward any comments or questions

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about the ordinance to the Township.

It was moved by Caviston, seconded by Lewis, for the Board to approve the first reading of Resolution 2014-53.

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

**RESOLUTION ESTABLISHING ORDINANCE NO: 188  
SUPERIOR TOWNSHIP EMERGENCY SNOW ORDINANCE**

**Resolution Number: 2014-53**

**Date: October 20, 2014**

**WHEREAS**, the Charter Township of Superior is currently operating under Superior Township Ordinance 68, the “Superior Township Emergency Snow Ordinance”, passed by the Superior Township Board of Trustees, effective February 17, 1980; and,

**WHEREAS**, Superior Township has grown substantially since 1980, and has greatly increased its population, the length in the center line miles of public roads that need maintaining and number of households and on street parking; and,

**WHEREAS**, the winter of 2013-2014 exposed the short comings of the existing Ordinance No 68, thus requiring its repeal and its replacement thereof; and,

**WHEREAS**, Public Act 359 of 1947 authorizes a Charter Township to enact ordinances for the public health and safety, and authorizes the revocation of ordinances and their reenactment with new content; and,

**WHEREAS**, many citizens of Superior Township are dependent upon public roads to commute to school, work, church and other activities; and,

**WHEREAS**, it is in the public interest to provide safe and passable roads under all driving conditions including the response to transportation emergencies caused by heavy snowfall;

**NOW THEREFORE, BE IT RESOLVED** that the Superior Township Board of Trustees hereby introduces Ordinance 188, which shall be known as the “Superior Township Snow Emergency Ordinance”.

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**BE IT FURTHER RESOLVED** that upon final approval and adoption of Ordinance 188, Superior Township Ordinance 68, effective February 17, 1980, is hereby repealed.

Charter Township of Superior

Ordinance No. 188

Snow Emergency

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*An ordinance to establish a snow emergency procedure in the Charter Township of Superior, rules for declaring such emergencies, regulations for parking of vehicles during snow emergencies and penalties for violations.*

*Repealing Ordinance No. 68, "Superior Township Emergency Snow Ordinance."*

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**THE CHARTER TOWNSHIP OF SUPERIOR ORDAINS:**

**Section 1.Purpose of provisions.**

The purpose of this ordinance is to expedite the prompt removal of all parked and stalled motor vehicles and trailers from public roads during periods of heavy snowfall, when such trailers and motor vehicles impede snow-removal operations and cause serious traffic congestion; and to authorize the supervisor, and the clerk, in the absence of the supervisor, to declare a snow emergency during such periods in the interest of preserving and protecting the public health, safety and welfare; and to authorize the Washtenaw County Sheriff Department and the Superior Township Ordinance officer to enforce provisions of this ordinance.

**Section 2.Definitions.**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 2.1 "Motor vehicle" means every self-propelled conveyance used, or capable of being used, as a means of transportation on land.
- 2.2 "Park," "parked" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or

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unloading merchandise or passengers or when stopped temporarily for making necessary repairs.

- 2.3 "Person" means every natural person, firm, copartnership, association or corporation and their respective agents.
- 2.4 "Snow emergency" means a declaration of a snow emergency publicly announced at the direction of the supervisor or in the supervisor's absence, at the direction of the clerk.
- 2.5 "Street" means a street, road, avenue or highway and includes the entire width between the boundary lines of every way publicly maintained when any part thereof is open to use by the public for purposes of vehicular travel.
- 2.6 Supervisor means the supervisor for the Township or in the supervisor's absence a Township official designated by the supervisor assume the duties of the supervisor for purposes of this ordinance.
- 2.7 "Township" means the Charter Township of Superior, Washtenaw County, Michigan.
- 2.8 "Trailer" means every vehicle without motive being drawn by a motor vehicle.

**Section 3.Snow Emergency When Authorized.**

Whenever the supervisor determines, on the basis of a forecast of the National Weather Service, Washtenaw County Department of Emergency Management or other credible source that four or more inches of snow or other hazardous winter time weather event is expected to fall upon the Township, the supervisor shall cause to be put into effect a snow emergency on public roads.

**Section 4.Snow Emergency - Notice of Declaration and Termination.**

- 4.1 Upon declaring a snow emergency, the supervisor shall forthwith cause appropriate notice of such emergency to be publicly announced by any means at his/her disposal to alert the public of such snow emergency. Each announcement shall describe the action taken by the supervisor, including the time it became or will become effective.
- 4.2 The supervisor shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this ordinance.
- 4.3 Whenever the supervisor finds that the conditions which gave rise to a snow emergency no longer exist, it shall be terminated by notice given substantially in the same manner it was declared.

**Section 5.No Parking on Snow Emergency Routes During Snow Emergency.**

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No person shall park or leave any vehicle or trailer on a public road in the township when a snow emergency has been declared. Further, within two (2) hours after notice of a snow emergency has been given, any motor vehicle or trailer parked on any snow emergency route within the Township shall be removed.

**Section 6.Stalled or Disabled Motor Vehicles or Trailers.**

Whenever a motor vehicle becomes stalled or disabled for any reason, on any portion of a public road, the person operating the motor vehicle shall take immediate action to have the motor vehicle towed or pushed off the road. No person shall abandon or leave a motor vehicle or a trailer on any public road, regardless of whether the person indicates by raising the hood or otherwise, that the motor vehicle is stalled, except for the purpose of securing assistance during the actual time necessary to go to a nearby phone, or nearby garage, automobile service station, or other place of assistance and return without delay.

**Section 7.Applicability of Other Traffic Regulations.**

Any provision of this ordinance, while temporarily in effect, shall take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized vehicles, or emergency traffic directions by a police officer.

**Section 8.Impoundment of Motor Vehicle or Trailer.**

Any motor vehicle or trailer parked or left on any road in violation of this ordinance constitutes a public hazard and an obstruction of traffic, and the Washtenaw County Sheriff Department, which provides police services to the Township, may ticket, tow and impound the motor vehicle or trailer immediately. No person may recover an impounded motor vehicle or trailer without first paying the cost of removal and storage, notwithstanding, and apart from, any fine which may be imposed for violation of this ordinance.

**Section 9.presumptions.**

- 9.1 In any proceeding for violation of this ordinance relating to parking, leaving, or abandoning a motor vehicle or trailer, proof that the particular motor vehicle or trailer described in the complaint or citation was parked or left in violation of this ordinance, together with proof that the respondent named in the complaint or citation was, at the time of such parking, the registered owner of such motor vehicle or trailer, shall constitute a presumption that the registered owner of such motor vehicle or trailer was the person who parked or left such motor vehicle at the locations in which the violation occurred.
- 9.2 In any proceeding for a violation as stated in above, the person in whose name that vehicle is registered at the time of the violation is prima facie responsible for that violation. The registered owner of such vehicle may assert as an affirmative defense that

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the vehicle in question, at the time of the violation, was in the possession of a person whom the owner had not knowingly permitted to operate the vehicle.

**Section 10. Exemptions.**

An owner of a motor vehicle who occupies a premises that does not have a driveway or any person who, who has a valid handicap license plate and is unable to move his or her vehicle in accordance with the provisions of this ordinance shall be exempt from the requirement to move said motor vehicle in the event of a snow emergency.

**Section 11. Violations and Penalties.**

Any person in violation of this division is responsible for a civil infraction, punishable by a fine not to exceed \$100.00 or is responsible for such civil infraction as determined by a Court of competent jurisdiction.

**Section 12. Effective Date.**

This Ordinance shall become effective thirty (30) days after its adoption.

**I. RESOLUTION 2014-54, ANIMAL CONTROL CONTRACT WITH WASHTENAW COUNTY**

Supervisor Schwartz and Board members discussed the history of this issue. Board members were concerned that the Township was being charged fairly based on the amount of service the animal control officer and the shelter provided the Township. Board members discussed the contributions made by other communities and the lack of contribution made by communities that did not have an animal control ordinance.

It was moved by McKinney, seconded by Green, for the Board to approve Resolution 2014-54.

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**A RESOLUTION TO APPROVE AN ANIMAL CONTROL INVOICE WITH  
WASHTENAW COUNTY**

**Resolution Number: 2014-54**

**Date: October 20, 2014**

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
OCTOBER 20, 2014  
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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 20th day of October, 2014, the following resolution was offered.

**WHEREAS**, the Superior Township Board of Trustees is authorized by statute to enter into an invoice with Washtenaw County for animal control expenses.

**NOW, THEREFORE, BE IT RESOLVED**, that the Superior Charter Township Board does hereby approve the animal control invoice with the County of Washtenaw as presented, and authorizes the Supervisor and Clerk to execute the same on behalf of the Township.

Ayes; Phillips, McKinney, Green, Lewis, Schwartz,

Nays: Caviston

Absent: Williams

The motion carried. The resolution was adopted.

**J. RESOLUTION 2014-55, APPROVE 2015 SIDESTREET MAINTENANCE ASSESSMENT**

Due to increasing costs and additional work, it was proposed to increase the Sidestreet Maintenance by 10%, which equaled \$2.00. The proposed assessment for 2015 is \$22.00.

It was moved by McKinney, seconded by Green, for the Board to approve Resolution 2014-55.

**SUPERIOR CHARTER TOWNSHIP**

**WASHTENAW COUNTY, MICHIGAN**

**A RESOLUTION TO INCREASE THE SPECIAL ASSESSMENT FOR THE  
WASHINGTON SQUARE/OAKBROOK ROADSIDE MAINTENANCE BY TWO  
DOLLARS PER PARCEL**

**Resolution Number: 2014-55**

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**Date: October 20, 2014**

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 20th day of October, 2014, the following resolution was offered.

**WHEREAS**, the Superior Township Board of Trustees has authorized the creation of a special assessment district (SAD) and created a special assessment roll for side street maintenance for the Oakbrook and Washington Square subdivisions pursuant to Public Act 188 of 1954 on or about November 13, 2000 consisting of 871 parcels; and,

**WHEREAS**, the costs of providing the side street services for this district has increased such that a two dollar (\$2) increase per parcel, from twenty dollars (\$20) to twenty two dollars (\$22) is necessary to pay for the anticipated costs of maintenance in 2015.

**NOW, THEREFORE, BE IT RESOLVED**, that the Superior Charter Township Board of Trustees hereby approves an increase of two dollars (\$2) per parcel for the Oakbrook/Washington Square side street special assessment district to defer the costs of providing the benefit to the district.

**BE IT FURTHER RESOLVED**, that the Superior Charter Township Board of Trustees hereby approves the increase to be levied on the December 2014 Oakbrook/Washington Square side street special assessment tax roll.

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

Nays: None

Absent: Williams

The motion carried.

**K. APPROVE PLACING 2014 ORDINANCE VIOLATIONS ON THE TAX ROLL**

In a memo dated October 20, 2014, Treasurer McKinney requested the unpaid ordinance violations from 2014 be placed on the Winter 2014 tax roll.

It was moved by McKinney, seconded by Lewis, for the Board to approve placing the 2014 ordinance violations on the Winter 2014 tax roll.

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The motion carried by unanimous voice vote.

**L. APPROVE PLACING 2014 UNPAID FALSE ALARM PENALTIES ON THE TAX ROLL**

In a memo dated October 20, 2014, Treasurer McKinney requested the unpaid false alarm penalties from 2014 be placed on the Winter 2014 tax roll.

It was moved by McKinney, seconded by Lewis, for the Board to approve placing the unpaid false alarms from 2014 on the Winter 2014 tax roll.

The motion carried by unanimous voice vote.

**M. APPROVE PLACING 2014 WASHTENAW COUNTY DRAIN SPECIAL ASSESSMENTS ON THE TAX ROLL**

In a memo dated October 20, 2014, Treasurer McKinney requested the County Drain Assessments from 2014 be placed on the Winter 2014 tax roll.

It was moved by McKinney, seconded by Lewis, for the Board to approve placing the County Drain Assessments from 2014 on the Winter 2014 tax roll.

The motion carried by unanimous voice vote.

**N. APPROVE PLACING 2014 HYUNDAI GEDDES ROAD PROJECT SPECIAL ASSESSMENT ON THE TAX ROLL**

In a memo dated October 20, 2014, Treasurer McKinney requested the Hyundai Geddes Road Project Special Assessment from 2014 be placed on the Winter 2014 tax roll.

It was moved by Lewis, seconded by McKinney, for the Board to approve placing the Hyundai Geddes Road Project Special Assessment from 2014 on the Winter 2014 tax roll.

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The motion carried by unanimous voice vote.

**O. APPROVE PLACING DELINQUENT WATER BILLS ON THE TAX ROLL**

In a memo dated October 20, 2014, Treasurer McKinney requested the delinquent water bills from 2014 be placed on the Winter 2014 tax roll.

It was moved by Lewis, seconded by McKinney, for the Board to approve placing the delinquent water bills from 2014 on the Winter 2014 tax roll.

The motion carried by unanimous voice vote.

**P. FIRST AMENDMENT TO THE PROSPECT POINTE EAST DEVELOPMENT AGREEMENT**

Supervisor Schwartz explained that no new homes have been built in the Prospect Pointe East subdivision for about eight-years. They recently indicated they wanted to start building new homes there. It was determined the performance bonds needed to be updated since the previously posted sureties had all expired. The proposed development agreement addresses new performance bonds and escrow that needs to be in place prior to the issuance of any building permits.

It was moved by McKinney, seconded by Green, for the Board to approve the following First Amendment to Superior Charter Township Development Agreement Prospect Pointe East-a Residential Subdivision and to approve the Supervisor to sign the agreement:

**FIRST AMENDMENT TO SUPERIOR CHARTER TOWNSHIP  
DEVELOPMENT AGREEMENT**

**Prospect Pointe East – a Residential Subdivision**

**THIS FIRST AMENDMENT TO SUPERIOR CHARTER TOWNSHIP  
DEVELOPMENT AGREEMENTS (“Amendment”) is made this \_\_\_\_ day of \_\_\_\_\_,**

**SUPERIOR CHARTER TOWNSHIP BOARD  
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2014, by and between **Brookside II land L.L.C.** a Michigan limited liability company, the address of which is 25800 Northwestern Highway, Ste 750, Southfield, Michigan 48075 (“Developer”), and the **CHARTER TOWNSHIP OF SUPERIOR**, a Michigan municipal corporation, the address of which is 3040 N. Prospect Road, Ypsilanti, Michigan 48198 (“Township”).

**WITNESSETH:**

**WHEREAS**, Developer and the Township entered into a Development Agreement dated February 25, 2005, recorded on March 3, 2005 in Liber 4461, Page 292, in the Washtenaw County Register of Deeds, in connection with the development of certain real property located in the Township of Superior, County of Washtenaw, State of Michigan, as a residential site condominium subdivision known as Prospect Pointe East; and,

**WHEREAS**, certain infrastructure construction activities have already occurred on site, and additional activities and improvements are proposed for the site requiring the Developer to post with the Township new performance guarantees to protect the general public; and,

**WHEREAS**, financial assurances need to be adjusted based upon the improvements completed to this date, and based upon the improvements needed to complete the development; and,

**WHEREAS**, Developer agrees to post adequate financial assurances and guarantees with the Township prior to the issuance of building permits in an amount necessary for the Developer to proceed with the permitted activity under this Development Agreement.

**WHEREAS**, the parties have agreed to revise and amend the terms of the Development Agreement as stated herein to provide the Developer with the authority to re-commence construction activity on the site.

**NOW, THEREFORE**, in consideration of the mutual premises and covenants contained in this Amendment, the parties hereby agree as follows:

1. Section 2.5 of the Development Agreement, Maintenance of Unsold Lots, is struck in its entirety and shall be null and void. The parties agree that unsold lots must be maintained in accordance with Superior Township general ordinance number 179.

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Section 2.5 of the original Development Agreement requires the developer to post a Restoration Bond in the amount of \$661,900.00. The parties agree that a restoration bond shall not be required under this amended Development Agreement.

2. The Township acknowledges that the Developer has substantially complied with “playground structures” requirement, and has complied with the sidewalk improvement requirement as identified in the second paragraph of section 2.8 of the original Development Agreement.

3. The following sections of this amended Development Agreement control the amount of security required to be posted for construction, maintenance and repair activities. The Township and the Developer agree that the following sections that pertain to performance guarantees are restated and revised from the original Development Agreement. The performance guarantees as set forth herein shall be provided in a form acceptable to the Township Supervisor and posted with Superior Township prior to the issuance of building permits.

a. Section 2.6 of the original Development Agreement requires the Developer to post \$182,000.00 for the construction of General Common Elements. Section 2.6 shall remain in effect and the Developer shall post \$50,000.00 with the Township to assure the construction of the General Common Elements as set forth on the approved final site plan. All other provisions of section 2.6 remain in full force and effect.

b. Section 2.17 of the original Development Agreement requires the developer to post \$1,394,000.00 to assure installation of all site improvements as set forth on the approved final site plan. Section 2.17 shall be revised to require the developer to post \$50,000.00 to assure installation of all site improvements as set forth on the approved final site plan. All other provisions of section 2.17 shall remain in full force and effect.

c. Section 2.27 of the original Development Agreement requires the developer to post \$67,200.00 to assure installation of all street trees as set forth on the approved final site plan. Section 2.27 shall be revised to relieve the Developer of the requirement to post security to assure installation of all street trees; however, this amendment does not relieve the Developer from the requirement of planting street trees as set forth on the approved final site plan and pursuant to section 2.27 of the original Development Agreement. All other provisions of section 2.27 shall remain in full force and effect.

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Furthermore, the right to have live street trees planted with a two year warranty shall vest with the home owners association (HOA). The HOA shall have the authority to require the Developer to replace diseased or dead street trees within the two year warranty period. Thereafter, the obligation to plant and maintain street trees shall be borne by the HOA. In the event a street tree is removed, the stump shall be ground below existing grade. The Township reserves the right to enforce this provision on behalf or against the Developer, the HOA or a homeowner in the sole discretion of the Township.

d. Section 2.31 original Development Agreement requires the developer to post \$5,200.00 for the placement of monuments and corner markers for the development. The amended Development Agreement shall continue the requirement that the developer post \$5,200.00 for the placement of monuments and corner markers. All provisions of section 2.31 shall remain unchanged in the amended Development Agreement.

e. Section 2.32 of the original Development Agreement requires the developer to post \$524,300.00 as Maintenance and Guarantee Bond for Public Utilities to assure installation of public water and sewer infrastructure. The developer has satisfied this requirement and the Township will not require any further financial assurances under this section of the amended Development Agreement.

f. Section 2.33 of the original Development Agreement requires the developer to post \$45,200.00 to assure prompt repair of damaged public utilities caused by the Developer and or its agents and servants. Section 2.33 shall not be revised. The developer shall be required post \$45,200.00 to assure the prompt repair of public utilities damaged by the activities of the developer.

g. The Township and the Developer reserve the right to bundle the performance guarantees into one bond. At the request of the Developer, the Township will review for a bond reduction or cancellation every six (6) months. The reasonable costs of engineering and building inspection review for bond reductions shall be charged to the Developers escrow account.

h. The Township and the Developer agree that the Developer shall maintain a minimum escrow account with the Township of \$5,000.00 to charge against plan reviews and other expenses incurred by the Township, excluding building permit fees, utility connection charges and building and utility inspection fees. When the development escrow account has less than \$1,000.00, the Township shall notify the Developer, upon which the Developer shall deposit additional funds in the escrow account.

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i. This amendment to the original Development Agreement shall not change the enforceability or the respective rights and obligations of the parties as set forth in the original Development Agreement except as otherwise specially stated in this amended Development Agreement.

End of Document

**BROOKSIDE II LAND, L.L.C.,**

A Michigan limited Liability Company

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN )

) ss.

COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of September, 2014, by

\_\_\_\_\_, the \_\_\_\_\_ of Brookside II Land, LLC,

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A Michigan limited Liability Company, on behalf of the company.

\_\_\_\_\_

Notary Public, \_\_\_\_\_ County, MI

Acting in \_\_\_\_\_ County

My Commission Expires: \_\_\_\_\_

**CHARTER TOWNSHIP OF SUPERIOR**

A Michigan Municipal Corporation

By: \_\_\_\_\_

Kenneth Schwartz,

Superior Township Supervisor

STATE OF MICHIGAN )

) ss.

COUNTY OF WASHTENAW )

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The foregoing instrument was acknowledged before me this \_\_\_\_ day of January, 2014,

by Kenneth Schwartz, Superior Township Supervisor a Michigan Municipal Corporation.

\_\_\_\_\_

Notary Public, \_\_\_\_\_ County, MI

Acting in \_\_\_\_\_ County

My Commission Expires: \_\_\_\_\_

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

Nays: None

Absent: Williams

The motion carried

**11. PAYMENT OF BILLS**

There were no Bills for Payment. It was moved by Green, seconded by Lewis to receive the Record of Disbursements.

The motion carried by a unanimous voice vote.

**12. PLEAS AND PETITION**

There were none.

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**13. ADJOURNMENT**

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 9:25 p.m.

Respectfully submitted,

David Phillips, Clerk

Kenneth Schwartz, Supervisor