

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JULY 18, 2016
ADOPTED MINUTES
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1. CALL TO ORDER

The regular meeting of the Superior Charter Township Board was called to order by the Supervisor Kenneth Schwartz at 7:00 p.m. on July 18, 2016, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

The members present were Ken Schwartz, David Phillips, Nancy Caviston, Brenda McKinney, Rodrick Green and Alex Williams. Trustee Lisa Lewis was absent.

4. ADOPTION OF AGENDA

It was moved by McKinney seconded by Green adopt the agenda with the addition of presentation by OHM on the Utility Department SAW Grant as item a. under Presentations.

The motion carried by unanimous voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF JUNE 20, 2016

It was moved by Green, seconded by Caviston, to approve the minutes of the regular Board meeting of June 20, 2016, as presented.

The motion carried by a unanimous voice vote.

6. CITIZEN PARTICIPATION

A. CITIZEN COMMENTS

Supervisor Schwartz said that the Board would not be taking action tonight on Ord. 174-18, Sutton Ridge – Redwood Area Plan Amendment. He expects the Board will take action at the August 15 meeting.

Tracey Pitt, West Avondale, said that at the last board meeting, the Township attorney said if the Bromley Condo board hadn't signed the agreement we wouldn't be here. All they had to say was

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no. She said the condo board will not discuss the issue with them and when she and her husband attended one of their meetings they were asked to leave. The planning commission recommended denial due to incompatibility.

Ron Horvarth, Wexford, said he was offended by the way his condo owners association was being characterized. The board members are elected to represent the condo owners. Some of us believe the apartments are proposed for where they should go. There is mobile home park next door.

Ken Hubbs, Kenwyck, said Mr. Horvarth has not attended all of the meetings and that he is poorly informed.

Kathy Smith, Kenwyck, said she and another person collected the signatures. They show more than 50% of the condo owners are against the proposed apartments. She said the main objection she heard was that the apartments would share the condo roads to enter.

Kathleen Hubbs, Kenwyck, said that some of the mobile homes are rented but they have their own road to enter. The valuation study was a waste of tax payer money and that she has proof that they are building condos on Geddes just east of Ridge. It is a Del Webb community. The apartments are not compatible with the condo complex.

Eric McGuigan, West Avondale, said the Bromley HOA was approached by Redwood to make a deal to not oppose the proposed apartments but the HOA declined the offer.

Vicky Evans, owns a condo on Kenwyck and lives at 10872 E. Avondale she provide sales information and said that integrating a rental property with a condo unit doesn't work. She provided information on the third amendment of the Bromley condo owners association, which addressed contraction of the development.

William McFarlane, former Township Supervisor, congratulated Trustee Rod Green on his appointment as President of SEMCOG. Supervisor Schwartz said Trustee Green was instrumental in securing \$50,000 needed to fund a non-motorized trail, which will start at Parker's Mill on Geddes and go run parallel to Dixboro Road to the Matthaei Botanical Gardens and Plymouth Road.

Diane Denore, Wexford, moved into Bromley condos thinking that phase 2 would be condos. He is concerned that he is on the access road to the apartments.

Karen Michaels, Kenwyck, thanked the Board for their part in getting Prospect repaved.

Joan Johnson, Kenwyck, was one of the first people to move into Bromley condos in 2002. She wanted a peaceful place to live in her senior years. She would rather wait until condos came.

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Paul Blash, Avondale, had questions and concerns about signs posted on the road ROW.

Pam Schultz, Wexford, said the original plans were for there to be a third entrance to the apartments from Avondale but it was changed to a cul-de-sac. Now all of the traffic goes through the condos.

Kelli McIvor, Redwood, said that Redwood did say they didn't want to be part of the community. They said they didn't want to be part of the association. Because there are more units in Phase 2 than in Phase 1, Phase 2 would become the majority of the association and have the potential to control the association. She said Redwood felt they did not need the letter from the association but decided to obtain it to resolve some of the issues.

Eric McGuigan, Avondale, said the apartments are not compatible with the rest of the community because they do not have sidewalks, no common areas for the public to gather and they said they do not allow bicycles.

Karen Cant, W. Avondale, inquired if about what is the target renter for the development.

7. PRESENTATIONS

A. OHM, PRESENTATION ON THE UTILITY DEPARTMENT SAW GRANT

Jacob Rushlow and Kyle Currie of OHM made a presentation to the Board about the Utility Department SAW grant. The Township was approved for the grant in 2014 to examine the status of the sanitary sewer system, what improvements are needed, what service is needed and what rates are make needed repairs and to keep the system functioning properly. OHM said that the inspections have been completed and they found the structure to be not too bad but the service needs to be improved. They are still working on the financial aspects of the system.

8. REPORTS

A. SUPERVISOR REPORT

Supervisor Schwartz reported on the following: Crack sealing in Brookside will start tomorrow; the Board of Review will be meeting tomorrow to address errors and omissions; the Superior Township branch library will be reconfigured to allow the librarians to better monitor the patrons; several areas of Fireman's Park are being cleaned-up and a split rail fence has been installed along the north border; Township officials met with the prospective purchaser of Danbury Manor apartments, who will probably be purchasing the property soon; Supervisor Schwartz provided Tanglewood, Tanglewood Hills and Timberwood with PA 181 petitions to

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establish a special assessment district to improve the roads; he congratulated Rod Green on his appointment to President of SEMCOG.

B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, ORDINANCE OFFICER REPORT, SHERIFF'S REPORT

Clerk Phillips said that the crime statistics are down slightly.

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

The motion carried by unanimous voice vote.

8. COMMUNICATIONS

A. EMAILS IN REGARDS TO ORDINANCE 174-18, SUTTON RIDGE ACQUISITION LLC, AREA PLAN

The Board received emails from ten residents in regards to the Sutton Ridge – Redwood rezoning.

It was moved by McKinney, seconded by Green, for the Board to receive the emails.

The motion carried by unanimous voice vote.

B. PETITIONS TO THE SUPERIOR TOWNSHIP BOARD OF TRUSTEES, RE: PROPOSED DEVELOPMENT ADJACENT TO BROMLEY PARK

The Board received a petition with about 70 signatures of Bromley Park residents indicating they opposed the proposed apartment development adjacent to Bromley Park.

The motion carried by unanimous voice vote.

9. UNFINISHED BUSINESS

A. ORDINANCE 174-18, SUTTON RIDGE – REDWOOD ACQUISITION LLC, AREA PLAN AMENDMENT

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Action on the petition remained postponed until the August 15, 2016 Board meeting.

B. ORDINANCE NO 191, PROPERTY MAINTENANCE ORDINANCE, SECOND READING

There were no changes to Ordinance No. 191 from the first reading of the ordinance.

The second reading and adoption of following resolution was moved by Green, and seconded by McKinney:

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

ORDINANCE NUMBER 191

**ORDINANCE FOR THE ADOPTION OF THE 2015 PROPERTY MAINTENANCE
CODE
WHICH REPEALS AND REPLACES ORDINANCE NUMBER 153 ADOPTION OF
THE 2000 PROPERTY MAINTENANCE CODE**

An Ordinance of the Charter Township of Superior adopting the 2015 edition of the International Property Maintenance Code, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and repealing Ordinance Number 153 of the Charter Township of Superior and all other ordinances or parts of laws in conflict therewith.

The Board of Trustees of the Charter Township of Superior does ordain as follows:

Section 1. Adoption of International Property Maintenance Code. That a certain document, three (3) copies of which are on file in the office of the Clerk of the Charter Township of Superior, being marked and designated as the *International Property Maintenance Code, 2015* edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Charter Township of Superior, in the State of Michigan for regulating and governing the conditions and maintenance of all property, essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Clerk are hereby referred to,

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adopted , and made a part hereof, as if fully set out in this legislation, with the additions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. Code Amendments. The following sections are hereby revised:

A. Section 101.1. Insert: Charter Township of Superior, Washtenaw County, State of Michigan

B. Section 103.5. Deleted and replace with the following:

The Township Board may establish by resolution a schedule of fees for activities and services performed by the department in carrying out its responsibilities under this code. Such schedule may be amended from time to time. Fee schedules shall be published in the manner as required by law and except as otherwise provide by law, shall be effective on the day after publication.

C. Section 106. Deleted and replace with the following:

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed responsible of a civil infraction, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, collect or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a

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building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

D. Section 112.4. Delete and replace with the following:

Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines and prosecution per sections 106.3 and 106.4.

E. Section 302.4. Delete and replace with the following:

Weeds. *Premises and exterior property* shall be maintained free from weeds or plant growth in accordance with the Charter Township of Superior Ordinance No. 179, Turf Grass, Weeds and Brush.

F. Section 304.14. Insert for the first "DATE" "April 1". Insert for the second "DATE" "November 1"

G. Section 602.3. Insert for the first "DATE" "January 1". Insert for the second "DATE" "December 31"

H. Section 602.4. Insert for the first "DATE" "January 1". Insert for the second "DATE" "December 31"

Section 3. Repealer. That Ordinance Number 153 of the Charter Township of Superior entitled Ordinance for the Adoption of the 2000 Property Maintenance Code Ordinance Number 153 and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 4. Severability. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Charter Township of Superior Board of Trustees hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Sections 5. Preservation of Actions. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance herby repealed as cited in Section 3 of this law; nor shall any just of legal right or remedy of any character be lost, impaired or affected by this legislation.

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Section 6. Publication. That the Charter Township of Superior Clerk is hereby ordered and directed to cause this legislation to be published in the manner as required by law and except as otherwise provide by law, shall be effective on the day after final publication.

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

Nays: None

Absent: Lewis

The motion carried

10. NEW BUSINESS

A. RESOLUTION 2016-11, PURCHASE OF HOME ON PANAMA

Supervisor Schwartz said the home is the only home in the Township that went to tax lien foreclosure this year. He said the home is in nice condition and he recommends the Township purchase it so that it can be sold to Habitat for Humanity, who will rehab it and sell it to an owner-occupied single family. The Township has done this with several other homes and had good results. If the Township does not do this, it will probably be purchased by an investor, who will have it as rental property. The address of the home is 9170 Panama.

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

**SUPERIOR CHARTER TOWNSHIP BOARD OF TRUSTEES RESOLUTION
EXERCISING FIRST RIGHT OF REFUSAL AGAINST
PARCEL NUMBER J-10-35-372-008**

RESOLUTION NUMBER: 2016-11

JULY 18, 2015

Resolution adopted at a regular meeting of the Superior Charter Township Board of Trustees, Washtenaw County, Michigan, held at the Township Hall, 3040 Prospect road, Superior Township, Michigan 48198 on July 18, 2015.

WHEREAS, under the Michigan General Property Tax Act, a township has a right of first refusal to acquire tax foreclosed property available within that township; and

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WHEREAS, The County Treasurer has provided Superior Township notice that parcel number J-10-35-372-008 is foreclosed and the township has the right of first refusal on the conditions of paying all outstanding taxes and liens of record, which in this case amounts to thirty thousand three hundred and thirty four dollars, (\$30,334.00) and that the parcel is being **acquired for a legitimate public use and purpose**; to wit, to rehabilitate the housing stock of Superior Township and to provide safe, affordable and efficient housing within Superior Township.

NOW THEREFORE BE IT RESOLVED, that the Superior Township Board exercises its first right of refusal as to parcel number J-10-35-372-008 and authorizes a payment to the Washtenaw County Treasurer in the amount of thirty thousand three hundred and thirty four dollars, (\$30,334.00) with said funds to be used from the General Fund, GL 101-890-985.000 Miscellaneous Expenses, which will require a budget amendment.

The motion carried by unanimous voice vote.

B. RFP FOR TOWNSHIP WEBSITE DESIGN AND HOSTING

Clerk Phillips explained that the posting on the BidNet/MITN was very successful. He received twenty RFP's. Board members were provided a CD with 10 of the RFP's and all of the RFP's are available for their review. The vendors were from Michigan and many other states. They varied in price from about \$2,400 to \$44,000 with numerous differences in features and costs. He said some of the services and programs are highly technical and it will be difficult to evaluate and compare the different RFP's. Trustee Williams offered to assist with evaluating the RFP's and they will bring a recommendation to the Board at the August 15, 2016 meeting.

C. APPEAL OF THE DENIAL OF A LICENSE APPLICATION FOR A PEDDLER'S LICENSE

Clerk Phillips explained that Mr. Mack had applied for Solicitor's/Peddler's License but he refused to issue it to him based upon section 13.1, (4) of the ordinance. Mr. Phillips explained that it was his opinion that someone with six felony and two misdemeanor convictions who was driving around the community, unsupervised, selling ice cream, candy, pop and other things to children was an unreasonable threat to persons or property within the Township. Mr. Phillips also explained that Mr. Mack claimed he was engaged in "non-commercial" business activity and under section 14 of the ordinance and that was exempt from the ordinance. He claimed he was a minister at his church and was raising money for his church. Mr. Phillips explained that the Sheriff's Department advised him that Mr. Mack has been selling in the community and Mr. Phillips advised them to not ticket Mr. Mack until the issue of the appeal and Mr. Mack's status as a non-commercial business activity is reviewed and decided on by the Board.

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Board members discussed the age of the convictions and that Mr. Mack did complete an application.

It was moved by Green, seconded by McKinney, that the Application for a Solicitors License for pre-packaged goods dates 6-7-2016 be approved.

Ayes: Schwartz, McKinney, Green, Williams

Nays: Caviston, Phillips

Absent: Lewis

The motion carried

D. DIXBORO VILLAGE GREEN, INC., TRANSIENT AND AMUSEMENT ENTERPRISES ACTIVITY

Supervisor Schwartz indicated the application was basically the same as previous years. Board members praised the Dixboro Village Green organization and the Dixboro community for the numerous positive

It was moved by Green, seconded by Williams, for the Board to approve the Dixboro Village Green's application for a Transient and Amusement Enterprise Activity Permit.

The motion carried by unanimous voice vote.

E. HURON RIVER WATERSHED COUNCIL ANNUAL DUES

Board members expressed support for the Huron River Watershed.

It was moved by Green, seconded by Caviston, to approve the annual dues for the Huron River Watershed Council in the amount of \$744.31.

The motion carried by unanimous voice vote.

12. PAYMENT OF BILLS

There were no Bills for Payment.

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It was moved by McKinney, seconded by Green that the Record of Disbursements be received.

The motion carried by a unanimous voice vote

13. PLEAS AND PETITION

Clerk Phillips suggested that the Township complete an inventory and capital improvement plan of the Township Hall in order to budget for future repair and improvement expenses.

14. ADJOURNMENT

It was moved by McKinney, seconded by Green, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 9:20 pm.

Respectfully submitted,

David Phillips, Clerk

Kenneth Schwartz, Supervisor