

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
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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 June 15, 2015, 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, Lisa Lewis and Alex Williams. Trustee Rodrick Green was absent.

4. ADOPTION OF AGENDA

It was moved by McKinney seconded by Lewis, to adopt the agenda with the addition of payment of Michigan Township Association annual member ship dues as item h. under New Business.

The motion carried by unanimous voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF MAY 18, 2015

It was moved by Lewis, seconded by McKinney, to approve the minutes of the regular Board meeting of May 18, 2015, as presented.

The motion carried by a unanimous voice vote.

6. CITIZEN PARTICIPATION

A. CITIZEN COMMENTS

Traci Pitt, E. Avondale, Bromley Park homes said she is one of many residents of the Bromley Park homes and condos who oppose the rezoning of phase 2 of the Bromley Park condos from condos to apartments. She said she has a petition signed by more than 200 residents of Bromley Park who oppose the rezoning.

William Heater, Abigail in Prospect Pointe, said a walk-away from the Fairfax Manor recently attempted to break-in to his home and that the walkaways have become a serious problem to the residents of the area.

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Michael Bendor, Stommel Road, said he read in the minutes that the Board approved changes to the FOIA policy and he would like them posted on the Township website.

7. PRESENTATIONS

A. OIL-FREE BACKYARDS

Laura Robinson of Citizens for Oil Free Backyards made a presentation to the Board about oil and gas exploration and development (OGED). She said that OGED is occurring throughout Washtenaw County and it is possible that OGED could occur in Superior Township. She said OGED activities are planning and zoning issues and communities can adopt ordinances to such issues as truck traffic, noise, light, sounds and pollution.

8. REPORTS

A. SUPERVISOR REPORT

Supervisor Schwartz reported on the following: Keith Lockie, Director of Parks, Utilities and the Controller is retiring in February 2016. The Parks Commission will be reviewing and approving the posting for the part-time position of parks director. Treasure McKinney settled with the County and the funds were remarkably balanced. There were fewer delinquencies than in the previous few years. The north side of MacArthur Boulevard has been cleaned-up. Supervisor Schwartz has been in contact with the attorney for the Superior Party Store. They indicated they are interested in working with the Township. The Utility Dept. pole barn has been removed from the corner of MacArthur and Harris. The above efforts have resulted in the area looking better. The July Board agenda will include awarding a contract for the paving of the Township Hall. Supervisor Schwartz and Clerk Phillips met with architect Dan Redstone about doing pre-design work for a new fire station No. 2. They are going to meet with the Road Commission to discuss traffic issues. Crack sealing was completed on the roads in Geddes Ridge. Other subdivisions will also receive the crack sealing. There was a public hearing on rezoning the 30 acre Bromley Condo site to apartments. The issue will be back before the planning commission in July and probably be on the board's agenda in August. Supervisor Schwartz requested the Board approve \$500.00 be paid to the Village Green, LLC to cover the Act 88 grant match for advertisements. The Township Attorney has been reviewing the situation at Fairfax manner. The walkaways have created a threat to the surrounding community and there are questions on the level of care and supervision the patients of the facility are receiving. It is expected that at the July meeting, the Board will be asked to approve filing a lawsuit against Fairfax Treasurer McKinney reported that the 2014 tax collection was completed.

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It was moved by McKinney, seconded by Lewis for the Board to approve paying the grant match of \$500.00 to Village Green, LLC, for their portion of their Act 88 grant match for advertising. The motion carried by unanimous voice vote.

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

Trustee Caviston commented that the Sheriff's Department Summary of Offenses indicated a 26.90% increase in total offense for year-to-date compared to 2014. She also commented on the two shooting incidents that occurred on May 30, 2015. Both result in non-serious injuries but are an indication of the problems that occur in the MacArthur Boulevard apartments.

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

The motion carried by a unanimous voice vote.

C. TREASURER'S INVESTMENT REPORT AS OF APRIL 30, 2015

It was moved by Caviston, seconded by Williams, that the Superior Township Board receive the Treasurer's Investment Report as of April 30, 2015.

The motion carried by a unanimous voice vote.

8. COMMUNICATIONS

There were not communications.

9. UNFINISHED BUSINESS

There was no unfinished business.

10. NEW BUSINESS

A. JIMMIE MACK JR.'S APPEAL OF DENIAL OF SOLICITOR'S LICENSE

Mr. Jimmie Mack, Jr., provided a letter of appeal of denial of peddler's permit, which he read to the board. Supervisor Schwartz reviewed his reasons for denying Mr. Mack a solicitor's permit, which was primarily because he was unable to verify Mr. Mack's residence. Mr. Mack claims he

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resides at 9386 MacArthur Boulevard but management of the apartments have indicated he is not on the lease at that address and is not allowed to live there. Several Board members indicated that although Mr. Mack has an extensive criminal record (two misdemeanor and six felony convictions) they did not feel he should be denied a peddler's license because of his criminal record.

It was moved by McKinney, seconded by Lewis, to deny Mr. Jimmie Mack, Jr.'s appeal of the denial of his application for a Solicitor's License based on the information contained within Supervisor Schwartz's May 4, 2015 denial letter and information received from the Washtenaw County Sheriff's Department.

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

Nays: None

Absent: Green

The motion carried.

B. RESOLUTION 2015-19, STIPEND INCREASE FOR PLANNING COMMISSIONERS

Clerk Phillips explained that the planning commission has not received an increase in the stipend they receive of \$65.00 per meeting for at least ten years. He said they are expected to familiarize themselves with the Master Plan and Zoning Ordinance in their spare time and the issues they review can be technical and complicated. He said they are all doing a very good job and the financial impact to the Township would be minimal.

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

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

**RESOLUTION TO INCREASE THE STIPEND FOR MEMBERS OF THE SUPERIOR
TOWNSHIP PLANNING COMMISSION**

Resolution Number: 2015-19

Date: June 15, 2015

WHEREAS, the Charter Township of Superior is required to appoint a planning

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commission to review and decide matters related to planning and zoning; and,

WHEREAS, the Planning Commission is scheduled to meet the fourth Wednesday of every month and to conduct special meetings as needed; and,

WHEREAS, Planning Commissioners need to be knowledgeable of the Master Plan, Zoning Ordinance and other planning and zoning matters; and,

WHEREAS, the stipend for Planning Commissioners has not increased for at least ten years from the current stipend of \$65.00 per meeting; and,

NOW THEREFORE, BE IT RESOLVED that the Superior Township Board of Trustees hereby approves increases in the stipends for Superior Township Planning Commissioners to \$80.00 per meeting and \$100.00 per meeting for the Chairperson of the Superior Township Planning Commission

I, the undersigned, the duly qualified and acting Township Clerk of the Charter Township of Superior, County of Washtenaw, State of Michigan, certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Trustees of the Charter Township of Superior at a regular meeting held on the _____ day of _____, 2015, the original of which resolution is on file in my office, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

IN WITNESS WHEREOF, I have set my official signature, this _____ day of _____, 2015. _____



DAVID M. PHILLIPS, CLERK,
CHARTER TOWNSHIP OF SUPERIOR

The motion carried by unanimous voice vote.

C. RESOLUTION 2015-20, STIPEND INCREASE FOR ZONING BOARD OF APPEALS MEMEBERS

Supervisor Schwartz indicated that like the Planning Commission, members of the Zoning Board of Appeals also deserved an increase in the stipend they receive.

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

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

**RESOLUTION TO INCREASE THE STIPEND FOR MEMBERS OF THE SUPERIOR
TOWNSHIP ZONING BOARD OF APPEALS**

Resolution Number: 2015-20

Date: June 15, 2015

WHEREAS, the Charter Township of Superior is required to appoint a zoning board of appeals to hear and decide appeals on decisions made by any official responsible for zoning ordinance enforcement, all other matters referred to it in the zoning ordinance and may also grant variances to the zoning ordinance; and,

WHEREAS, the Zoning Board of Appeals meets as needed when appeals are filed; and,

WHEREAS, Zoning Board Appeals members need to be knowledgeable of the Zoning Ordinance and other zoning matters; and,

WHEREAS, the stipend for members of the Zoning Board of Appeals has not increased for at least ten years from the current stipend of \$60.00 per meeting; and,

NOW THEREFORE, BE IT RESOLVED that the Superior Township Board of Trustees hereby approves increases in the stipends for members of the Superior Township Zoning Board of Appeals to \$80.00 per meeting and \$100.00 per meeting for the Chairperson of the Superior Township Zoning Board of Appeals

I, the undersigned, the duly qualified and acting Township Clerk of the Charter Township of Superior, County of Washtenaw, State of Michigan, certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Trustees of the Charter Township of Superior at a regular meeting held on the _____ day of _____, 2015, the original of which resolution is on file in my office, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

IN WITNESS WHEREOF, I have set my official signature, this _____ day of _____, 2015. _____

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DAVID M. PHILLIPS, CLERK,
CHARTER TOWNSHIP OF SUPERIOR

The motion carried by unanimous voice vote.

D. RESOLUTION 2015-21, MOU TO HIRE VICTOR CHEVRETTE AS FIRE CHIEF

Supervisor Schwartz explained that he is proposing to hire Victor Chevrette as the Superior Township Fire Chief and Fire Marshal. The agreement is for Chevrette to work part-time for at least 20 hours per week and is for one-year. Mr. Chevrette provided his resume to the Board and addressed the Board. He explained his qualifications, experience and other information. Supervisor Schwartz indicated that he had previously worked with Mr. Chevrette in Augusta Township and highly recommended that the Board approve hiring him.

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

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN
RESOLUTION APPOINTING VICTOR CHEVRETTE
SUPERIOR TOWNSHIP FIRE CHIEF AND FIRE MARSHAL**

Resolution Number: 2015-21

June 15, 2015

WHEREAS, On May 18, 2015, the Superior Township Board terminated the pilot project with Ann Arbor Township to determine the viability, feasibility and desirability of consolidating the fire services between the communities; and,

WHEREAS, On May 18, 2015, the Superior Township Board of Trustees terminated the co-employee agreement with Ann Arbor Township for the services of Brian Thurston as Superior Township fire Chief effective June 30, 2015; and

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WHEREAS, the Superior Township fire department currently has no Fire Marshal to perform the duties of that office; and,

WHEREAS, the Superior Township Supervisor, pursuant to MCL 42.13 hereby appoints Victor Chevrette Superior Township Fire Chief and Superior Township Fire Marshal subject to the Memorandum of Understanding.

NOW THEREFORE BE IT RESOLVED that the Superior Township Board of Trustees confirms the appointment of Victor Chevrette as Superior Township Fire Chief and Superior Township Fire Marshal subject to the Memorandum of Understanding.

BE IT FURTHER RESOLVED that the Supervisor and Clerk are authorized to execute any document necessary to carry this resolution into effect.

Memorandum of Understanding between the Charter Township of Superior and Victor Chevrette

Whereas the appointment of an interim part time Superior Township Fire Chief and Superior Township Fire Marshal is necessary due to the departure of Chief Brian Thurston; and,

Now therefore, I am appointing Victor Chevrette (Chevrette) as acting part time Superior Township Fire Chief and Fire Marshal effective July 20, 2015 under the following terms and conditions:

1. The appointment is on a temporary basis for one year (365) days beginning on July 20, 2015 and continuing for one year, and thereafter as determined by the Superior Township Board.
2. The rate of pay for Chevrette for work performed under this agreement shall be as follows:
 - a. A salary of (\$50,000.00) fifty thousand dollars per year.

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- b. A uniform allowance of \$500.00 for the duration of this contract.
- c. No paid benefits including but not limited to pension and healthcare.
- d. Superior shall cover Chevrette under the Township's workers compensation insurance coverage.
- e. Travel reimbursement at the IRS approved rate.
- f. Chevrette shall be entitled to one week (5) days of paid vacation under this contract.
- g. Chevrette shall be entitled to two (2) days of paid personal days under this contract.
- h. When not in conflict with this contract the Superior Township Personnel Manual shall apply to all other personnel issues that may arise.

3. The Fire Chief/Marshal is expected to work a minimum of twenty (20) hours per week. During the pendency of this contract it is expected that the Fire Chief/Marshal will devote his full attention to the duties of the offices. It is understood that Chevrette will remain Director of the Washtenaw County Hazardous Materials Team.

4. The Fire Chief/Marshal may use approved firefighter personnel to train and to participate in Fire Marshal investigations and activities.

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5. The Fire Chief shall observe and execute the following duties. The enumeration of these duties is not exhaustive and is not intended to limit the Fire Chief's duties to these alone.

a. Responsible for directing, planning and organizing all activities related to fire suppression, fire prevention, rescue, hazardous material response, fire prevention, medical response and fire fighter training.

b. Responsible for all activities normally associated with the office of Fire Marshal including but not limited to planning, evaluation and supervision for activities related to fire prevention, building inspection and code enforcement.

c. Responsible to maintain in good standing State of Michigan licensure for Fire Inspector I and Fire Plans review. Superior shall pay for all costs of maintaining the above licensures in good standing.

6. The Fire Chief shall report directly to the Township Supervisor, and to the other township officials as deemed necessary. It is expected that all major incident will be reported as soon as possible and routine activities and incidents on a weekly or daily basis as required by the Supervisor.

7. Chevrette may retain his current position as Director of the Washtenaw County Hazardous material Response Team representing Superior Township.

Dated this ____ day of June, 2015.

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Ken Schwartz,
Superior Township Supervisor

Victor Chevrette,
Interim Fire Chief

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

Nays: None

Absent: Green

The motion carried.

E. ORDINANCE NO 189, REPEAL AND REPLACE ORDINANCE NO. 173 PEDDLERS AND SOLICITORS , DRAFT

Supervisor Schwartz indicated that the Ordinance provided to the Board was a draft and he requested Board members review the draft and bring comments and questions to the next Board meeting of July 20, 2015. No action was taken on the draft ordinance.

ORDINANCE NO. 189

An ordinance to regulate peddlers and solicitors in the Township and to repeal Ordinance 173.

The Charter Township of Superior hereby ordains:

Section 1. Definitions.

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

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- 1.1 *Canvassing and soliciting* meaning the going from door to door, house to house, place to place, street to street or remaining in one place within the Township for the purpose of soliciting orders for or canvassing occupants or residents for the sale of food products, books, magazines, goods, wares or merchandise of any nature whatsoever for future delivery, or for the purpose of soliciting orders for or canvassing occupants or residents for the installation or servicing of any household equipment or appliances, including but not limited to, furnace or boiler repair and maintenance, repair and servicing of washing windows and screens, awnings, roofing and siding of buildings or for any other services to be furnished. It shall also include persons soliciting for funds or donations of any kind. It shall also include the assisting of others in canvassing and/or soliciting. Newsboys and persons traveling on a regularly established route at the request, expressed or implied, of their customers, are not to be considered within the definitions of “peddler” or “canvasser” under the terms of this chapter.
- 1.2 *Charitable, religious or political organization* means a not-for-profit charitable, religious, political, benevolent, educational, philanthropic, humane, patriotic, or civic organization of persons, registered and in good standing under Section 501(c) of the Federal Internal Revenue Code, that solicits or obtains contributions solicited from the public for charitable, religious or political purposes.
- 1.3 *Clerk* means the clerk for the Township, or the Clerk’s designated representative.
- 1.4 *Commercial purposes* means any business or activity carried on for profit.
- 1.5 *Handbill* means any written or printed notice distributed by hand for the purpose of communication, including but not limited to any pamphlet, booklet or leaflet.
- 1.6 *Minor* means a person under 18 years of age.
- 1.7 *Non-commercial purposes* means any purpose other than that involving a business or activity carried on for profit, including, but not limited to, a political, religious or charitable purpose, or an activity sponsored by a political, religious, not-for-profit charitable, benevolent, educational, philanthropic, humane, patriotic or civic organization of persons, registered and in good standing under Section 501(c)(3) of the Federal Internal Revenue Code.
- 1.8 *Peddling* means the going from door to door, house to house, place to place, street to street, or remaining in one place, in the Township carrying or conveying or transporting by person, wagon, motor vehicles or other type of conveyance for the purpose of offering for immediate sale, food products, including but not limited to, meat, fish, vegetables, farm produce or provisions, candy, goods, wares or merchandise of any nature and landscaping materials of all types. It shall also include the assisting of others in “peddling”.

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1.9 *Person* means and includes any person, agent, firm, partnership, association, corporation, company or organization of any kind.

Section 2. Soliciting, peddling or canvassing on posted private property or when requested not to do so.

It shall be unlawful for any person to solicit, peddle or canvass upon any private property in the Township, if requested by anyone in control upon the premises not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign or similar notice indicating in any manner that the occupants of such premises do not desire to have solicitors, canvassers or peddlers call upon them. For purposes of this section, soliciting and peddling includes religious proselytizing, political speech (anonymous or otherwise) and passing out handbills.

Section 3. Hours of operation.

It shall be unlawful for any person to conduct, or attempt to conduct, any canvassing, soliciting or peddling before the hours of 9:00 a.m. and after dusk, at any location within the Township.

Section 4. Use and restriction of stops, scales, bells, horns, etc.

4.1 No person shall stop in any one place longer than is necessary to make a sale or stop on private property without the consent of the owner. No person shall stop for the purposes of selling or offering to sell any food products within a distance of 300 feet from any public, private, charter or parochial school building, or the lands on which such buildings are located in the Township on any day during which school is in session. No person operating as a solicitor, canvasser or peddler shall interfere with traffic or cause or permit large numbers of persons, especially children, to congregate upon the public streets.

4.2 It shall be unlawful for any person to call out or make any noise of any kind whatsoever, or to use a bell, horn or other noise making device so as to unreasonably disturb persons in the immediate vicinity for an extended period of time with the purpose of attracting persons to buy goods such licensee has for sale.

Section 5. Vehicles, sanitation; health standards.

5.1 All vehicles used in the sale of food products must be kept clean and sanitary conditions at all times, and when containing loads or parts of loads of food products they must be kept only in places and operated in a manner which, in the opinion of the health officer for the county department of health and the state department of agriculture, are sanitary and wholesome.

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- 5.2 All vehicles used for the purpose of selling or transportation of meat, milk, pastry, ice cream and all other food products for human consumption in the Township shall be inspected and have in possession a current valid approval by the county board of health, or the state department of agriculture before a license is granted. The holder of a license under which a food vending vehicle is operated shall be the person responsible for all the conditions and requirements of this chapter.
- 5.3 Failure to maintain the standards and requirements of the county board of health or the state department of agriculture for the sale or transportation of food will constitute cause for revocation of the license under which such vehicles are operated.

Section 6. Minors; soliciting, canvassing or peddling, requirements.

If an applicant intends to use a minor or minors to do the actual solicitation, canvassing, or peddling for commercial purposes, the following provisions shall apply:

- 6.1 An approved copy of the work permit issued by the State of Michigan, showing the approved hours of work and the job duties of each minor shall be attached to the application, and
- 6.2 Minor(s) shall at all times be under the direct supervision of the adult who was issued the license under Section 15.

Section 7. Minors; soliciting, canvassing or peddling, accompanied by parent or guardian.

A minor who is accompanied by his parent or legal guardian during all times of soliciting, canvassing or peddling is exempt from the licensing provisions of this article

Section 8. Misrepresentation.

- 8.1 No fraudulent or misleading representations to any person shall be made in connection with any peddling or soliciting activities, including, but not limited to, any misleading representation concerning the product or service involved, the purposes for which contributions solicited will be used, the name of the peddler or solicitor, the trade name and nature of the parent organization, or the purposes for which the parent organization was organized.
- 8.2 No person shall represent that the issuance of a solicitor registration certificate under this chapter is an endorsement by the Township of the solicitor, its products or the organization the solicitor represents.

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Section 9. Solicitation of persons inside motor vehicles prohibited.

No peddler or solicitor shall solicit the immediate payment of money from a person who is inside a motor vehicle.

Section 10. Fixed stands prohibited.

No peddler or solicitor shall establish a fixed stand and/or store for soliciting upon any street, road, highway, lane, sidewalk, driveway, alley or publicly-owned property, unless said stand and/or store shall be in compliance with all applicable provisions of the Township Zoning Ordinance.

Section 11. License required.

Unless exempt, it shall be unlawful for any person to engage in or carry on the business of soliciting, canvassing or peddling for commercial purposes in the Township as defined Section 1, without first obtaining a license from the Township in compliance with the provisions of this Ordinance which covers each person and any agent for the person who is to do the actual canvassing, soliciting or peddling and each vehicle, piece of equipment or container used in connection therewith.

Section 12. Application.

12.1 An application for the license required by this Ordinance shall be made upon a form provided by the Clerk, which shall be signed and verified under oath by the applicant of an individual, or by the authorized agent for any firm, partnership, association, corporation, company or organization and shall, as a minimum, contain the following:

- (1) If an individual, the name, address and telephone number of the individual.
- (2) If a partnership, the name, residence and business address and telephone number of each partner.
- (3) If a corporation, the name, business address and telephone number of the corporation and names of the principal officers, directors and local representatives, their residence and business address, telephone numbers, and if a foreign corporation, whether they are authorized to do business in the state.
- (4) The name, address and telephone number of each agent for the applicant who is to do the actual canvassing, soliciting or peddling.

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- (5) Two current photographs of the applicant any each agent for the applicant who is to do the actual canvassing, soliciting or peddling. Each photograph shall be two inches by two inches showing the head and shoulders of the applicant or agent(s).
- (6) A statement as to whether the applicant has been convicted of any crime, including any misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
- (7) The length of time for which the right to do business is sought.
- (8) A brief description of the product or services involved.
- (9) A description of each vehicle, along with a license plate number of each such vehicle, piece of equipment or container used in connection with the operation of the canvasser, solicitor and/or peddler.

12.2 An applicant for a license shall attach to the application the following:

- (1) Evidence of proper public liability and personal injury insurance in the amount of not less than the following:
 - (a) On account of injury to, or death of, any person in any 1 accident: \$500,000.00
 - (b) On account of damage to property in any 1 accident: \$50,000.00

The insurance shall name the Charter Township of Superior as an insured party and evidence of the insurance shall consist of certification executed by an authorized agent of the insurance company indicating the amount and type of insurance, the location of coverage and it shall certify that the insurance shall not be cancelled unless notice of intent to cancel shall be filed with the Township clerk at least 10 days prior to said cancellation;

- (2) Evidence of a performance bond of two thousand dollars (\$2,000) for the duration of the license;
- (3) Proof of inspection for safety equipment by the Township's designated agent;
- (4) Proof of a Federal tax identification number;
- (5) Proof of a Michigan sales tax license;

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- (6) A copy of a valid Michigan driver's license, if the applicant is selling any products from a motor vehicle;
- 12.3 Application for a license under this ordinance shall be deemed as agreement by the applicant to observe all pertinent laws and regulations of the Township and defend, indemnify, and save harmless the Township from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the licensee's activities under this ordinance.
- 12.4 The application shall be accompanied by a nonrefundable application fee to be established by resolution of the Township Board. The Township Board may, from time to time, modify the established fee schedule. The application fee is separate from the license fee described in Section 13.

Section 13. Investigation.

- 13.1 Upon receipt of the application for a license, the Clerk shall review the same for completeness and if the application is complete, shall cause an investigation to ensure that the applicant meets all requirements set forth in this ordinance and to insure that the representations in the application are truthful.
- 13.2 The investigation shall be completed within twenty-eight (28) days of receipt of the application and after such investigation is concluded, the Clerk may:
 - (1) Issue the license, upon payment of the appropriate license fee;
 - (2) Deny the license for any of the reasons set forth in Section 13.3;
 - (3) Request additional information from the applicant, if the Clerk determines that such information is needed to process the application. Once the additional information is received from the applicant, the Clerk shall have fourteen (14) days to either issue or deny the license request.

Section 14. Issuance or denial; appeal of denial.

- 14.1 The clerk may refuse to issue a license to:
 - (1) A person whose license under this ordinance has been revoked within the last year.
 - (2) A person unless the application is fully and completely filed, and the applicant fully discloses all arrests and convictions other than those that are traffic related. Failure to completely and truthfully complete the application shall result in a denial.

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- (3) A person who materially misrepresents any facts or statements on his license application.
 - (4) A person who has been convicted of a felony or any crime related to or involving larceny, assault, fraud, receiving and concealing stolen property, embezzlement, robbery, home invasion, breaking and entering, theft, dishonesty, false statement or fraudulent scheme, trick or device, criminal sexual misconduct or any crime that is an unreasonable threat to persons or property within the township.
 - (5) A person who has been convicted of a violation of any municipal soliciting ordinance within the two (2) years prior to the application being submitted to the Township.
 - (6) A person whose master driving record indicates that his use of a motor vehicle in association with a requested license may present an unreasonable risk to persons or property within the township by such use of a motor vehicle.
 - (7) If the applicant is selling any products from a motor vehicle, and
 - (a) the applicant does not have a valid Michigan driver's license or
 - (b) the applicant has been convicted of operating a motor vehicle under the influence of liquor or operating a motor vehicle with an unlawful blood alcohol content or operating a motor vehicle under the influence of narcotics and/or other controlled substances or operating a motor vehicle while visibly impaired or any other drinking and drive offenses or any other offenses pertaining to driving and narcotics and/or controlled substances.
 - (8) If the applicant or activity licensed constitutes an apparent danger to the health, safety and welfare to the people of the township.
- 14.2 No license shall be issued to any applicant as a solicitor, canvasser, or peddler until such applicant shall have obtained the age of 18 years.
- 14.3 Any person whose license application has been denied shall have the right to petition the Board of Trustees of the Township for an appeal. A written request for an appeal must be filed with the Clerk's office within 14 days after notice of the denial has been mailed to the applicant's last known address. A written statement setting forth the grounds for the appeal must be included with the written request for an appeal. The township board shall grant a public hearing on this appeal, and the applicant shall have the right to appear and present

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evidence on his behalf. Following such hearing, the board shall submit to the applicant a written statement of its findings and determinations. The board's determination shall be based upon whether the Clerk's refusal to issue a license pursuant to Section 13(b) was supported by competent, material and substantial evidence.

Section 15. Exemptions; registration of charitable and nonprofit organizations.

15.1 Persons involved in soliciting, canvassing or peddling for any noncommercial purpose, and/or delivery of handbills and persons when engaged in soliciting in the neighborhood of their residence, which solicitation is sponsored by any public, parochial or private elementary, middle, junior or high school or by a recognized charitable, religious, political or subdivision organization are hereby exempt from the licensing, registration and fee requirements of this Ordinance, but shall be subject to the other sections of this Ordinance.

15.2 Any person who has obtained a peddler's license from the state pursuant to Public Act No. 359 of 1921 (MCL 35.441 et seq.), on account of such person being honorable discharged from the armed forces of the United States of America shall be exempt from the licensing provisions of this article.

Section 16. Fees.

16.1 A license fee for soliciting, canvassing and peddling for commercial purposes shall be established by resolution of the township board. The Township board may, from time to time, modify the established fee schedule. This fee is separate from the application fee described in Section 12.

16.2 No license fee shall be charged to any person selling produce which he has raised himself, who has attained the age of 65 years, or who shows evidence of being an honorably discharged military veteran.

Section 17. Term and limitation.

Each license and registration issued pursuant to this article shall expire on midnight on December 31 of each year, unless previously terminated pursuant to this article.

Section 18. Transfer or misuse of license, badge or identification.

No license, badge or identification issued under the provisions of this Ordinance shall be used or worn at any time by any person other than the one to whom it was issued and only when engaged in the activities for which the license or I.D. card was issued.

Section 19. Display.

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- 19.1 Unless exempt, it shall be unlawful for any person to operate as a peddler, canvasser, or solicitor without displaying on the outer clothing the license issued by the Township provided for in this Ordinance. Unless exempt, each vehicle, conveyance and container must have a license attached to it so it can be seen from the outside of such vehicle, conveyance or container.
- 19.2 Peddlers, solicitors and canvassers are required to exhibit their license at the request of any citizen or public official.

Section 20. Refuse.

The licensee shall provide refuse receptacles, which shall be used for all refuse generated by the licensee's activities conducted under this ordinance. Such refuse shall not be deposited in Township's refuse containers. The licensee shall remove the refuse receptacles at the end of the licensee's business day and leave the public right-of-way clean and free of all refuse.

Section 21. License suspension or revocation.

- 21.1 The Clerk may suspend a license for a period not to exceed ninety (90) days upon determining, based on his or her own investigation or upon certification by a law enforcement agency that any of the following circumstances exists:
- (1) The licensee failed to truthfully provide the information required in this Ordinance in the license application, or that the licensee has engaged in a fraudulent transaction or enterprise.
 - (2) The licensee has been convicted of a violation of federal, state or local laws, ordinances, or regulations reflecting adversely on the licensee's ability to conduct the business for which the license has been issued in an honest and legal manner, including, but not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, any form of actual or threatened physical harm against another person, or any type of criminal sexual conduct; the licensee is listed on any criminal sex offender registry or has any outstanding warrants for any misdemeanor or felony and such information was not disclosed on the application.
 - (3) If the licensee will be engaging in peddling from or out of a motor vehicle in the streets and roads of the township, the licensee's driver's license has been suspended or revoked or the licensee has been convicted of a felony moving violation.
 - (4) The licensee has, in the course of peddling in the township, engaged in conduct that is contrary to the peace, privacy, safety, health and welfare of

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the residents, businesses and persons in the township.

- (5) The licensee refuses to allow any law enforcement official or Township official to enter into vehicle from which the licensee is doing business for purposes of enforcing this ordinance.
- 21.2 A licensee shall be given written notice of the cause and term of the suspension and of the right to have such suspension reversed, modified or affirmed following a hearing to be conducted by the Township Board at the next available board meeting, following receipt of a written request by the licensee. At the hearing, the licensee shall have the right to hear the evidence relied upon by the clerk and the right to present evidence and witnesses on his or her behalf. At the hearing, or at an adjourned date, the Township Board shall determine whether to reverse, modify or affirm the suspension and shall put its decision and the reasons therefore in the form of a resolution, which the township clerk shall forward to the licensee.
- 21.3 Before a license or registration can be revoked, the township board shall serve the license holder or registered applicant, by first class mail, mailed not less than four days prior to the hearing with a notice of hearing, which notice shall contain the following:
- (1) Notice of proposed action.
 - (2) Reason for the proposed action.
 - (3) Date, time and place of hearing.
 - (4) A statement that licensee may present evidence and testimony and confront adverse witnesses.

Following the hearing, the township board shall submit to such person a written statement of its findings and determination.

- 21.4 The township board shall revoke a license issued under this Ordinance upon determination by it that based upon competent, material and substantial evidence presented at the hearing, either of the following exists:
- (1) A violation of any of the prohibitions set forth in this Ordinance.
 - (2) The person, entity or organization is engaged or has engaged in any fraudulent scheme, device or trick in any place in the township to obtain money or other valuable things, or is aiding or abetting any person engaged in such scheme, device or trick.

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Section 22. Nuisance Per Se

Any violation of this ordinance is deemed to be a nuisance per se.

Section 23. Penalties

- 23.1 Upon discovering a violation of this ordinance, the Clerk shall notify the violator orally or in writing by means of first class letter. Such notice shall give up to 5 days for the violation to be abated or a civil infraction shall be issued. No further notification is required for subsequent violations in a three year period.
- 23.2 Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed as set forth in Ordinance 162 as amended, the Charter Township of Superior Civil Infraction Penalty Ordinance.
- 23.3 In addition to pursuing a municipal civil infraction proceeding, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.
- 23.4 All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
- 23.5 Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

Section 24. Severability

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 25. Publication

This Ordinance shall be published in a newspaper of general circulation as required by law.

Section 26. Repeal of conflicting ordinances

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All ordinances or parts of ordinances in conflict herewith, including without limitation Ordinance 173 "Peddlers, Solicitors and Transient Merchants" are hereby repealed.

Section 27. Effective date.

This Ordinance shall take effect after publication in a newspaper of general circulation.

**F. ORDINANCE NO. 174-17, FERRIS PROPERTY, REZONE FROM R-1 TO A-2,
FIRST READING**

Supervisor Schwartz explained that the applicant, Mr. Ferris, owns considerable property surrounding this six acre site. Mr. Ferris has cattle on the surrounding land and wants to also have the cattle on these six acres. Keeping cattle on the land is an accessory use for the current R-1 zoning and there is no home on the six acres. In order to allow the keeping of cattle as permitted use, Mr. Ferris requested the six acres be rezoned to A-2, which is consistent with his property to the north of the parcel. Clerk Phillips indicated there was no opposition expressed at the public hearing.

It was moved by Williams, seconded by McKinney, for the Board to approve the first reading of the following Ordinance # 174-17:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE # 174-17

The Board of Superior Charter Township of Washtenaw County, Michigan, hereby ordains that Ordinance Number 174, being the Superior Charter Township Zoning Ordinance, adopted August 4, 2008, and effective August 14, 2008, as amended, be amended as follows:

SECTION I

Superior Charter Township Ordinance Number 174, designated Superior Charter Township Zoning Ordinance, adopted August 4, 2008 and effective August 14, 2008, as amended, and the zoning district map attached thereto and made a part thereof, are hereby amended by rezoning the following described property at 3880 Vorhies Rd. in Superior Township, Washtenaw County, Michigan, from R-1 (Single-Family Residential District) to A-2 (Agricultural District)

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Parcel Tax ID #: J-10-08-200-003

Legal Description: COM AT W ¼ POST OF SEC. THN 1164.0 FT IN W LINE OF SEC FOR A PL OF BEG, TH N 394.88 FT IN W LINE OF SEC, TH N 89 DEG 52'20" E 660.91 FT, TH S 0 DEG 15'40" W 396.36 FT, TH W 659.10 FT TOPL OF BEG, BEING A PART OF NW ¼ SEC. 8 T2S R7E 6.00 AC.

SECTION II

This Ordinance shall be published in a newspaper circulated within the Township of Superior within thirty (30) days following the final adoption thereof. This Ordinance shall become effective on the eighth day following said publication or such later date as is provided by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

CERTIFICATION

I, David Phillips, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that this is a true copy of an Ordinance adopted by the Superior Charter Township Board for first reading at a regular meeting held on June 15, 2015 and for final reading on July 20, 2015. This Ordinance shall become effective on the eighth day following publication of second and final reading, or such later date as may be provided herein or by law.

Kenneth Schwartz, Supervisor

David Philips, Clerk

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

Nays: None

Absent: Green

The motion carried.

G. HURON RIVER WATERSHED COUNCIL ANNUAL MEMBERSHIP DUES FOR 2015-2016

Board members commented that the Township's membership in the Huron River Watershed Council has been beneficial and they are supportive of renewing the membership.

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It was moved by McKinney, seconded by Caviston, for the Board to approve renewing the Township's membership in the Huron River Watershed Council for March 2015 to March 2016.

The motion carried by unanimous voice vote.

H. BUDGET AMENDMENTS

In a memo dated June 15, 2015, Township Controller, Keith Lockie, explained the highlights of the budget amendments. He and Bookkeeper Nancy Mason were present to respond to questions.

It was moved by McKinney, seconded by Lewis, for the Board to approve the Budget Amendments dated June 15, 2015.

See attached

The motion carried by unanimous voice vote.

12. PAYMENT OF BILLS

There were no Bills for Payment. McKinney, seconded by Lewis, to receive the Record of Disbursements.

The motion carried by a unanimous voice vote

13. PLEAS AND PETITION

Trustee Williams reported that a resident of the Oakbrook subdivision inquired with him on the getting speed bumps installed on Berkshire.

14. ADJOURNMENT

It was moved by Caviston, seconded by McKinney, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 9:00 p.m. .

Respectfully submitted,

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David Phillips, Clerk

Kenneth Schwartz, Supervisor

UTILITY						
O&M:						
Acct. #	Account Name	Increase	Decrease	Approved	REQUESTED	Explanation
405	Sewer Sales	26,000		115,287,700	\$115,313,700	Rate Increase
410	Meter Sales Income	5,000		5,000	\$10,000	Increased Development
	Total Revenue	\$31,000	\$0			
603	Taxable Benefits	10,000		18,859	\$28,859	Wellness Bonus
607-A	HSA Admin. Fees	360		0	\$360	Not Budgeted
620	R&M - System	15,000		20,000	\$35,000	Multiple Repairs
634	Twp. Accounting Reimbursement	3,000		0	\$3,000	Not Budgeted
701	Bad Debt Expense	26		3,200	\$3,226	Actual Received
711	Memberships, Dues	2,000		4,500	\$6,500	MDEQ Membership Increa
	Total Expenses	\$30,386	\$0			
	Total Rev. & Exp.	\$614	\$0	\$614		
856	Transfers to Cap. Res.	614		65,070	\$65,684	Increased Transfer to Cap Reserves
	Capital Reserves:					
416	T&T Income	52,500		\$52,500	\$105,000	New Development
	Total Revenue	\$52,500	\$0			
675	Depreciation		48,761	705,000	\$656,239	Actual Depreciation
	Total Expenses	\$0	\$48,761			
	Total Rev. & Exp.	\$52,500	(\$48,761)	\$101,261		
809	Transfers from O&M	614		65,070	\$65,684	Increased Transfer from O
	Debt Service:					
441	Interest on Bank Accts.	\$58		\$1,900	\$1,958	
	Total Revenue	\$58	\$0			

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	Total Expenses	\$0	\$0		
	Total Rev. & Exp.	\$58	\$0	\$58	

System Repair Reserve:					
441	Interest on Bank Accts.			\$1,200	\$1,200
	Total Revenue	\$0	\$0		
	Total Rev. & Exp.	\$0	\$0	\$0	

Acct. #	Account Name	Increase	Decrease	Approved	REQUESTED	Explanation
GENERAL FUND:						
402.000	Property/IFT Taxes	\$17,302		\$446,579	\$463,881	Property & IFT Taxes Com
405.000	IFT Tax		\$17,529	\$17,529	\$0	Property & IFT Taxes Com
576.000	State EVIP Revenue	\$17,282		\$0	\$17,282	New Account
609.000	Accounting Reimbursements		\$18,000	\$18,000	\$0	Reimb. Charged to Expens
695.076	CTAP Grant Revenue - Dixboro	\$5,000		\$0	\$5,000	Signage Grant Received
	TOTAL REVENUE	\$39,584	\$35,529			
717.000	Taxable Benefits	\$185		\$659	\$844	Wellness Bonus
940.000	Other Fund Contributions		\$2,400	\$0	(\$2,400)	New Account
999.000	Miscellaneous Expense	\$2,452		\$500	\$2,952	Wrote off Overdrawn Escro Account
	Total Dept. 102 - Administration	\$2,637	\$2,400			
717.000	Taxable Benefits	\$1,450		\$10,510	\$11,960	Wellness Bonus
	Total Dept. 171 - Supervisor	\$1,450	\$0			
717.000	Taxable Benefits	\$1,525		\$1,571	\$3,096	Wellness Bonus
940.000	Other Fund Contributions		\$22,000	\$0	(\$22,000)	New Account
	Total Dept. 201 - Accounting	\$1,525	\$22,000			
717.000	Taxable Benefits	\$3,625		\$11,114	\$14,739	Wellness Bonus
	Total Dept. 209 - Assessor	\$3,625	\$0			
717.000	Taxable Benefits	\$1,450		\$10,544	\$11,994	Wellness Bonus
	Total Dept. 215 - Clerk	\$1,450	\$0			
717.000	Taxable Benefits	\$3,625		\$9,975	\$13,600	Wellness Bonus
940.000	Other Fund Contributions		600	\$0	(\$600)	New Account
	Total Dept. 253 - Treasurer's	\$3,625	\$600			
930.000	Repairs & Maint.	\$4,000		\$9,000	\$13,000	Old Town Hall Furnace
940.000	Other Fund Contributions		\$7,200	\$0	(\$7,200)	New Account
976.000	Building Improvements	\$24,725		\$10,000	\$34,725	New Law Bathroom
	Total Dept. 265 - Building & Grounds	\$28,725	\$7,200			
947.000	Master Plan Revisions	\$5,751		\$0	\$5,751	
	Total Dept. 266 - Special Projects	\$5,751	\$0			

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740.000	Operating Supplies	\$1,200		\$100	\$1,300	New Officer
	Total Dept. 278 - Ordinance Enforcement	\$1,200	\$0			
717.000	Taxable Benefits	\$182		\$659	\$841	Wellness Bonus
	Total Dept. 410 - Planning	\$182	\$0			

920.000	Utilities	\$4,900		\$3,300	\$8,200	Pilot LED Conversion
	Total Dept. 446 - Infrastructure	\$4,900	\$0			

	TOTAL EXPENDITURES	\$55,070	\$32,200			
699.000	Appropriations from Reserves	\$18,815		\$48,573	\$67,388	Increase in Appropriation

LEGAL DEFENSE FUND:						
402.000	Property/IFT Taxes	\$5,265		\$136,285	\$141,550	Property & IFT Taxes Com
405.000	IFT Tax		\$5,350	\$5,350	\$0	Property & IFT Taxes Com
	TOTAL REVENUE	\$5,265	\$5,350			
965.00	Transfer to Reserves		\$85	\$128,035	\$127,950	Decrease in Transfer

FIRE FUND:						
402.000	Property/IFT Taxes	\$63,435		\$1,635,420	\$1,698,855	Property & IFT Taxes Com
405.000	IFT Tax		\$64,194	\$64,194	\$0	Property & IFT Taxes Com
696.000	Donations	\$1,700		\$0	\$1,700	
	TOTAL REVENUE	\$65,135	\$64,194			

930.000	Repairs & Maintenance	\$22,000		\$20,000	\$42,000	Truck Repairs
	Total Dept. 264 - Vehicles	\$22,000	\$0			
930.000	Repairs & Maintenance	\$8,000		\$16,000	\$24,000	
	Total Dept. 265 - Building & Grounds	\$8,000	\$0			
717.000	Taxable Benefits	\$39,100		\$21,070	\$60,170	Wellness Bonus
963.000	Bank Fees & Charges	\$405		\$0	\$405	2014 Bank Charges
	Total Dept. 336 - Fire Operations	\$39,505	\$0			
857.000	HCSP		\$42,450	\$57,570	\$15,120	Not Required
	Total Dept. 966 - Unallocated	\$0	\$42,450			
	TOTAL EXPENDITURES	\$69,505	\$42,450			
965.000	Transfer to Building Reserve		\$26,114	\$41,846	\$15,732	Decrease in Transfer

BUILDING FUND:						
610.000	Charges for Services	\$30,000		\$150,000	\$180,000	More Permits
	TOTAL REVENUE	\$30,000	\$0			
703.000	Contract Services	\$4,000		\$7,000	\$11,000	More Inspections
717.000	Taxable Benefits	\$1,377		\$3,452	\$4,829	Wellness Bonus
801.000	Professional Services - Other	\$1,125		\$30	\$1,155	Audit
	Total Dept. 371 - Safety Inspection	\$6,502	\$0			

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	TOTAL EXPENDITURES	\$6,502	\$0			
699.000	Appropriations from Reserves		\$23,498	\$26,479	\$2,981	Decrease in Appropriation

LAW ENFORCEMENT FUND:						
402.000	Property/IFT Taxes	\$47,568		\$1,226,565	\$1,274,133	Property & IFT Taxes Com
402.033	IFT Taxes		\$48,145	\$48,145	\$0	Property & IFT Taxes Com
	TOTAL REVENUE	\$47,568	\$48,145			
715.000	FICA	\$100		\$0	\$100	
	Total Dept. 966 - Unallocated	\$100	\$0			
	TOTAL EXPENDITURES	\$100	\$0			
699.000	Appropriations from Reserves	\$677		\$98,295	\$98,972	Increase in Appropriation

PARK FUND:						
717.000	Taxable Benefits	\$550		\$5,646	\$6,196	Wellness Bonus
851.000	Insurance & Bonds	\$1,000		\$2,000	\$3,000	
	Total Dept. 751 - Administration	\$1,550	\$0			
850.000	Telecommunications	\$300		\$0	\$300	New Account - Rec. Coord Phone
	Total Dept. 754 - Recreation	\$300	\$0			
717.000	Taxable Benefits	\$1,736		\$0	\$1,736	New Account
	Total Dept. 755 - Maintenance	\$1,736	\$0			
740.000	Operating Supplies	\$500		\$0	\$500	New Account
	Total Dept. 756 - Park Dev/Improvements	\$500	\$0			
	TOTAL EXPENDITURES	\$4,086	\$0			
699.000	Appropriations from Reserves	\$4,086		\$50,000	\$54,086	Increase in Transfer