

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
AUGUST 17, 2015
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 August 17, 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, Rodrick Green, Lisa Lewis and Alex Williams.

4. ADOPTION OF AGENDA

It was moved by McKinney seconded by Green, to adopt the agenda with the addition of Road Commission contract and Pfeffer, Hanniford, Palka CPA's contract for 2015-2017 added to New Business.

The motion carried by unanimous voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF JULY 20, 2015

It was moved by Green, seconded by Caviston, to approve the minutes of the regular Board meeting of July 20, 2015, as presented.

The motion carried by a unanimous voice vote.

6. CITIZEN PARTICIPATION

A. CITIZEN COMMENTS

Ellen Kurath, Hickman Road, requested the Township have the Road Commission make repairs on Hickman Road just north of Geddes Road. She said there is a berm that prevents the water from leaving the road and it is washing a large rut along the side of the road.

Joan Johnson, Bromley Condos, requested an update on the Redwood rezoning of Bromley Park Condos Phase 2.

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7. PRESENTATIONS

There were none.

8. REPORTS

A. SUPERVISOR REPORT

Supervisor Schwartz reported on the following: Superior Township voting precincts No. 2 and No. 4 have been relocated. Precinct No. 2 is now located in the Abundant Life Ministries Church on Clark Road and Precinct No. 4 in now located in the Christian Life Fellowship Church. New Voter identification cards have been mailed out. The Parks Commission has received six applications for the part-time Parks Director position. They will make their decision at their meeting on August 24, 2015. Administrative staff and the Township Attorney will meet with Fairfax Manor and their representatives on Wednesday, August 19 to discuss the lawsuit. The closing on the Township's purchase of the Superior Party Store is scheduled for Friday, August 21, 2015. It is expected that the building will be demolished. The Utility Department has issued 34 new water and sewer connection permits so far this year. It is estimated that they may issue a total of 54 to 56 permits this year, which would provide funds towards the bond payments to add to reserve funds. It is expected that the final course of asphalt will be installed at the Township Hall this Friday. The Growing Hope food cart has been doing well. The Township has been providing them with donations of fruit and staff assistance.

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

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

The motion carried by a unanimous voice vote.

C. MAJOR FUNDS QUARTERLY BUDGET REPORT

Board members commented that the budgets for all funds, except for the Utility Department, were in good shape. The Utility Department indicated a \$90,000 deficit, which Utility Director Keith Lockie indicated was the result of increased costs from YCUA for wastewater treatment. These costs are increasing because the wastewater returned to the plant is being metered instead of estimated. A rate increase is proposed to address this deficit.

It was moved by Lewis, seconded by Green, for the Board to receive the Major Funds Quarterly

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Budget Report for the first and second quarters of 2015.

D. UTILITY DEPARTMENT FINANCIALS PERIOD ENDING JUNE 30, 2015

Utility Director Keith Lockie explained the financials for the Superior Township Utility Department for the period ending June 30, 2015. As indicated above there is a \$90,000 deficit in operating revenues, which is proposed to be reduced by an increase of the water and sewer rates.

It was moved by Caviston, seconded by Lewis, for the Board to receive the Utility Department Financials for the period ending June 30, 2015.

8. COMMUNICATIONS

There were no communications.

9. UNFINISHED BUSINESS

A. RESOLUTION 2015-22, ADOPT ORDINANCE NO. 189, WHICH REPEALS AND REPLACES ORDINANCE NO. 179 PEDDLERS AND SOLICITORS LICENSE

Clerk Phillips explained that the proposed ordinance is basically the same ordinance as was adopted by Ypsilanti Township and Canton Township. Some sections were customized for Superior Township's use. Sections relating to the regulation of soliciting that are covered by the First Amendment and the need to license farmers' markets and farm stands were modified to the Board's satisfaction. As a result of discussion and concerns by Board members regarding including arrests without convictions as some of the criteria for an application and decision on whether to approve a license, Section 13.1 was changed from "The clerk **shall** refuse to issue a license" to "The clerk **may** refuse to issue a license".

The following resolution was moved by Williams, seconded by Caviston.

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

**RESOLUTION TO ADOPT ORDINANCE NO. 189, PEDDLERS AND SOLICITORS,
WHICH REPEALS AND REPLACES ORDINANCE NO. 173 AND TO
APPROVE APPLICATION AND LICENSE FEES FOR A PEDDLERS AND
SOLICITORS LICENSE**

Resolution Number: 2015-22

Date: August 17, 2015

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WHEREAS, the Charter Township of Superior was operating under Superior Township Ordinance 173, the “Superior Township Peddlers, Solicitors, and Transient Merchants Ordinance”, passed by the Superior Township Board of Trustees, effective July 28, 2008; and,

WHEREAS, on May 18, 2015 the Superior Township Board of Trustees approved a moratorium on issuing any new solicitors licenses and repealed Ordinance 173; and

WHEREAS, with the assistance of the Township Attorney, the administrative staff has prepared a draft Ordinance 189 to repeal and replace Ordinance 173;

WHEREAS, the proposed Ordinance 189 addresses vehicle insurance, vehicle safety, driving history and other areas lacking in Ordinance 173, and,

NOW THEREFORE, BE IT RESOLVED that the Superior Township Board of Trustees hereby approves the adoption of Ordinance 189, Peddlers and Solicitors, which repeals and replaces Ordinance 179; and,

BE IT FURTHER RESOLVED that Superior Township Board of Trustees approves the non-refundable application fee of \$25.00 for the Peddlers/Solicitors License and an additional \$20.00 to be paid for the issuance of the Peddlers/Solicitors License.

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

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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:

- 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)(3) 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

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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. This also means candidates or persons going door-to-door on behalf of a political candidate(s) or other political purposes or voter registration.

- 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”.
- 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.

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- 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 as 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.
- 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.
- 5.4 All vehicles used in the sale of any products shall be maintained in good working condition. Applicant shall maintain evidence of proper public liability and personal injury insurance in the amount of not less than the minimum amounts required by the State Motor Vehicle Code. Upon request they shall provide proof of inspection by the Township's designated agent to ensure the motor vehicle used for soliciting or peddling meets all the requirements of the Michigan Vehicle Code.

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

If an applicant is a minor, 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 an adult

Section 7. Misrepresentation.

- 7.1 No fraudulent or misleading representations to any person shall be made in connection

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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.

- 7.2 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.

Section 8. 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 9. 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 10. 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. and each vehicle, piece of equipment or container used in connection therewith.

Section 11. Application.

- 11.1 An application for the license required by this Ordinance shall be made upon a form provided by the Clerk, which shall be signed by the applicant 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 the name of the registered agent for the corporation.

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- (4) Two current photographs of 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).
 - (5) A statement as to whether the applicant has been convicted of any crime, including any misdemeanor or violation of any municipal ordinance, the date and location of the conviction and the sentence imposed and if the applicant is currently under any court or parole board ordered supervision. A statement indicating if the applicant has been arrested and is awaiting disposition for any violation of federal, state or local laws or ordinances.
 - (6) The length of time for which the right to do business is sought.
 - (7) A brief description of the product or services involved.
 - (8) 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.
 - (9) A current photo identification issued by a federal or state government agency.
 - (10) Provide two character references, preferably from residents of Superior Township.
- 11.2 If the applicant will be selling any products from a motor vehicle, they 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 minimum amounts required by the State Motor Vehicle Code. Proof of inspection by the Township's designated agent to ensure the motor vehicle used for soliciting or peddling meets all the requirements of the Michigan Vehicle Code.
 - (2) A copy of a valid Michigan driver's license, if the applicant is selling any products from a motor vehicle;
 - (3) A copy of the applicant's master driving record obtained from the Secretary of State.
- 11.3 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.

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11.4 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 12. Investigation.

12.1 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.

12.2 The investigation shall be completed within twenty-eight (28) calendar 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 13.1;
- (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) calendar days to either issue or deny the license request.

Section 13. Issuance or denial; appeal of denial.

13.1 The clerk may refuse to issue a license to an applicant:

- (1) Whose Solicitor's license under this ordinance has been revoked within the last year.
- (2) Who fails to completely and truthfully complete the application or who fails to fully disclose all arrests and convictions other than those that are traffic related.
- (3) Who materially misrepresents any facts or statements on his license application.
- (4) 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. Who is arrested for 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 applied for.

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- (5) 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. Who 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, or
 - (c) The vehicle does not meet the standards set forth in Sections 5 and 11.2 of this ordinance.
 - (6) If the applicant or activity licensed constitutes an apparent danger to the health, safety and welfare to the people of the Township.
- 13.2 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 calendar 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 hearing on this appeal, and the applicant shall have the right to appear and present evidence on their behalf. Following such hearing, the Board shall make its decision by a majority vote of those Board members present at the meeting. The Township clerk shall forward notice of the decision to the licensee.
- 13.3 The Board's determination shall be based upon whether the Clerk's refusal to issue a license pursuant to Section 13.1 was supported by competent, material and substantial evidence.
- 13.4 Any person whose license application and/or appeal has been denied may not reapply for a solicitor's license until one-year after the date of application of the denied license.

Section 14. Exemptions; registration of charitable and nonprofit organizations.

- 14.1 Persons involved in soliciting, canvassing or peddling for any noncommercial purpose, and/or delivery of handbills. This includes those working on behalf of a charitable, religious or political organization, political candidate(s) or voter registration. Persons when engaged in soliciting in the neighborhood of their residence, which solicitation is

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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.

- 14.2 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.
- 14.3 Persons engaged in uses or activities, which have been reviewed and approved by the Township as provided for in the Zoning Ordinance or a General Ordinance, including but not limited to the following: Section 5.102 Farm-Based Tourism / Entertainment Activities; Section 5.103, Farm Products Direct Marketing Business; Section 5.109 Roadside Stands; Section 5.204 Home Occupation; Section 6.05 Transient and Amusement Enterprises (this includes all vendors approved by the approved applicant); and uses and activities covered by the Michigan Right to Farm Act; State of Michigan Compiled Law or Federal Law are exempt from regulation by this ordinance.

Section 15. Fees.

- 15.1 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.
- 15.2 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 16. Term and limitation.

Each license and registration issued pursuant to this article shall expire one year from the date of approval, unless previously terminated pursuant to this article.

Section 17. 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 18. Display.

- 18.1 Peddlers, solicitors and canvassers are required to exhibit their license at the request of

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any citizen or public official.

- 18.2 If selling from a motor vehicle, the license must be displayed in a place on the motor vehicle so that it is visible from outside of the motor vehicle.

Section 19. 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 20. License suspension or revocation.

- 20.1 The Clerk may suspend a license for a period not to exceed ninety (90) calendar 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 or arrested for 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 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.

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- (6) If the licensee will be engaging in peddling from or out of a motor vehicle in the streets and roads of the Township and the licensee fails to maintain any vehicle to the standards set forth in Section 5 of this ordinance.
- 20.2 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 make its decision by a majority vote of those Board members present at the meeting. The Township clerk shall forward notice of the decision to the licensee.
- 20.3 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 calendar 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 make its decision by a majority vote of those present at the meeting. The Clerk shall forward notice of the decision to the licensee.

- 20.4 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.

Section 21. Nuisance Per Se

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

Section 22. Penalties

- 22.1 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 calendar 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.
- 22.2 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 and Ordinance 137 Superior Township Municipal Civil Infractions Ordinance.
- 22.3 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.
- 22.4 All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
- 22.5 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 23. 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 24. Publication

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

Section 25. Repeal of conflicting ordinances

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

Section 26. Effective date.

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

Kenneth Schwartz

Township Supervisor

CERTIFICATE OF ADOPTION AND PUBLICATION

I, David Phillips, the duly elected Clerk of the Charter Township of Superior, certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Superior on _____, 2015 and published in a newspaper, circulated in the Charter Township of Superior on _____, 2015.

David Phillips, Clerk

Charter Township of Superior

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

Nays: None

Absent: None

The motion carried.

10. NEW BUSINESS

**A. RESOLUTION 2015-31, APPROVE OHM FOR FIRE STATION NO. 2 SITE
FEASIBILITY STUDY**

Supervisor Schwartz and Clerk Phillips explained that Superior Township Fire Station No. 2 is outdated and in need of replacement and repair. In 2010 the Township purchased the 8.1 acres on the northwest corner of Geddes and Prospect Roads with the intent to construct a new Fire Station No. 2 at the site. Township Officials have spoken with several architects about designing the site. However, prior to design, the site must be evaluated for water, sewer, electrical, storm water and other utilities and services. Traffic issues and driveway locations must also be determined in order to determine the available building site and begin the design process.

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OHM has been the Township's civil engineer for many years, has all records and information needed to complete the evaluation and it is therefore recommended that the Board approve the contract with OHM as a single source supplier.

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

**A RESOLUTION TO APPROVE OHM TO COMPLETE A CONCEPTUAL
FEASIBILITY STUDY SITE STUDY FOR THE CONSTRUCTION OF A NEW
FIRE STATION NO. 2 LOCATED AT THE NORTHWEST CORNER OF
GEDDES AND PROSPECT ROADS**

Resolution Number: 2015-31 Date: August 17, 2015

WHEREAS, Superior Township Fire Station No. 2 was constructed in 1975, it only marginally meets the needs of the Fire Department, is not energy efficient and will soon require some major repairs, such as the roof, and:

WHEREAS, Superior Township owns 8.1 acres located at the northwest corner of Geddes and Prospect Roads, which has been identified as a suitable site for a new Fire Station No. 2, and;

WHEREAS, in order to assess the suitability of the Geddes and Prospect site and to begin the design of a new fire station, the site needs to be studied and evaluated for such factors as: availability of gas, electric, water, sewer and other services; storm water management; traffic management; road improvements; grading and other factors, and;

WHEREAS, OHM is uniquely qualified to perform a feasibility study on the site because they have been the Township's civil engineers for over 50 years and have the knowledge, history and records required to complete such a study, and:

WHEREAS, the feasibility study and design of the new station could take one year or more, and;

NOW THEREFORE BE IT RESOLVED, that the Superior Township Board of Trustees approves OHM as a "single source supplier" to complete a Fire Station No. 2 Conceptual Feasibility Site Study on the Geddes and Prospect property, as outlined in their

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proposal dated August 7, 2015, at their appropriate hourly billing rates at a total cost not to exceed \$15,000, and approves the Supervisor and Administrative staff to take all appropriate actions necessary for the completion of the study.

NOW THEREFORE BE IT FURTHER RESOLVED, the Superior Township Board of Trustee also approves the Township Administrative staff to spend up to an additional \$5,000 for items necessary for the completion of the feasibility site study, such as test holes or soil borings for on-site septic systems.

NOW THEREFORE BE IT FURTHER RESOLVED, the Superior Township Board of Trustees also approves the \$15,000 and \$5,000 to be debited from the Fire Department's Building Reserve Fund, G.L. No.206000393010.

The motion carried by a unanimous voice vote.

B. RESOLUTION 2015-32, COUNTY TAX SALE RIGHT OF FIRST REFUSAL

Supervisor Schwartz explained that two homes are going to be placed on the Washtenaw County's Tax Foreclosure Sale. He is recommending that the Township purchase them by exercising it's right of first refusal. Habitat for Humanity has indicated it will purchase the homes and renovate them to be owner occupied. Supervisor Schwartz indicated there have been problems with some of the rental homes in the area in regards to maintenance, upkeep, blight and nuisance. Habitat for Humanity has a good record in the Township.

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

**SUPERIOR CHARTER TOWNSHIP BOARD OF TRUSTEES RESOLUTION
EXERCISING FIRST RIGHT OF REFUSAL AGAINST**

PARCEL NUMBERS

J-10-35-475-019

J-10-35-451-008

RESOLUTION 2015-32

AUGUST 17, 2014

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 21, 2014.

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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

WHEREAS, The County Treasurer has provided Superior Township notice that parcel number J-10-35-475-019 and parcel number J-10-35-451-008 are 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 the following:

- a. J-10-35-475-019 \$9,582
- b. J-10-35-451-008 \$10,833

for a sum total of twenty thousand four hundred and fifteen dollars, (\$20,415.00) and that the parcel is being acquired for a legitimate public use and purpose.

WHEREAS, Superior Township desires to exercise the right of first refusal on said parcels for the public purpose of providing affordable single family housing within Superior Township.

WHEREAS, the township has secured a partnership with Habitat for Humanity of Huron Valley wherein Habitat will purchase the properties from the township for the exact cost the township pays the county treasurer, and thereafter shall rehabilitate the house and sell the homes to a qualified person(s) for occupancy as a single family residential unit.

NOW THEREFORE BE IT RESOLVED, that the Superior Township Board exercises its first right of refusal as to parcel number J-10-35-475-019 and J-10-35-451-008, and authorizes a payment to the Washtenaw County Treasurer in the amount of twenty three thousand nine hundred and fourteen dollars, (\$20,415.00).

The motion carried by unanimous voice vote.

C. RESOLUTION 2015-33, YCUA WATER AND SEWER RATE INCREASE

Utility Director Keith Lockie explained that YCUA was increasing the wholesale rate they charge Superior Township. This rate increase is being passed-through to Superior Township customers. The sewer metering program and other cost increases associated with the new YCUA contract has resulted in higher costs to the Township. In order to address these cost increases, the sewer rate is also proposed to be increased.

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

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**August 17, 2015
Resolution 2015-33**

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

At a regular meeting of the Township Board of Trustees of Superior Charter Township, Washtenaw County, Michigan, held at the Township Hall of said Township on the 17th of August 2015, at 7:00 p.m. Eastern Standard Time, the following resolution was offered by and supported by

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

WHEREAS, the Ypsilanti Community Utilities Authority has increased the charge for water by 7.9% and for sewer by 0%, and

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

WHEREAS, after an analysis of the effect of the new charges for water and sewer, it was determined that it would be adequate to increase our water rates by 10.9% and our sewer rates by 10.9%, and

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

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

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

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 August 17, 2015.

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David Phillips, Township Clerk

Date Certified

SCHEDULE A

**SUPERIOR CHARTER TOWNSHIP
UTILITY DEPARTMENT FEES
575 EAST CLARK ROAD
YPSILANTI, MI 48198
734-480-5500**

RESOLUTION ADOPTED FEBRUARY 27, 1996 AND AS AMENDED THROUGH AUGUST 17, 2015, SCHEDULE OF RATES, FEES AND CHARGES RELATED TO SEWER AND WATER SERVICES PROVIDED BY THE TOWNSHIP'S UTILITY DEPARTMENT.

Service Rates:

- A. Water and sewer (including wastewater treatment) rates for Township customers served from the Ypsilanti Community Utilities Authority.

Effective September 1, 2015

Water	\$5.16 per 100 cubic feet
Minimum quarterly billing	\$51.60 (1000 cubic feet)

Effective September 1, 2015

Sewer	\$3.75 per 100 cubic feet
Minimum quarterly billing	\$37.50 (1000 cubic feet)

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

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

Nays: None

Absent: None

The motion carried.

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D. NOTICE OF PUBLIC HEARING ON THE FY2016 BUDGET AND TRUTH IN TAXATION

Supervisor Schwartz proposed the public hearing on the FY2016 budget and truth-in-taxation to be held on October 19, 2015.

It was moved by McKinney, seconded by Lewis, for the Board to approve the FY2016 budget and truth-in-taxation to be held on October 19, 2015 and to publish the following notice:

**Superior Charter Township
Washtenaw County, Michigan
Notice of Hearing on
2016 Budgets and Truth-In-Taxation
October 19, 2015**

At their regularly scheduled meeting of October 19, 2015, 7:00 p.m., at the Superior Township Hall, the Superior Charter Township Board of Trustees will hold a public hearing on the proposed 2016 Budgets for the General Fund, Fire Fund, Law Enforcement Fund, Utility Fund, Park Fund, Street Light Fund, Building Fund, Hyundai Construction Bond Fund, Legal Defense Fund, and Sidestreet Maintenance Fund. **The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing:**

<u>Operating</u>	<u>Rate</u>
General fund	0.8192
Law Fund	2.25
Fire Fund	3.00

<u>IFT Hyundai</u>	
<u>½ millages</u>	
General Fund	0.4098
Law Fund	1.125
Fire Fund	1.500

Complete copies of the budgets are available for inspection or copying at the Township Hall, 3040 N. Prospect, 9:00 a.m. – 4:00 p.m. weekdays and will be available for public inspection at the public hearing. They are also available online on the Township’s website, www.superior-twp.org. Persons wishing to express their views may do so in person at the public hearing, or in writing addressed to the Township Board at the above address. Superior Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities upon four (4)

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business days' notice to the Township. Individuals requiring auxiliary aids or services should contact Superior Charter Township by writing the Township Clerk.

David Phillips, Clerk, Superior Charter Township
3040 N. Prospect
Ypsilanti, MI 48198
734-482-6099

This notice complies with and is posted in compliance with MCL 141.436 and MCL 211.24e (Truth-in-Taxation); Public Act 267 of 1976, as amended, the Open Meetings Act; MCLA 41.72a (2)(3) and the Americans with Disabilities Act.

The motion carried by a unanimous voice vote.

E. WASHTENAW COUNTY ROAD COMMISSION CONTRACT

Supervisor Schwartz explained the need to have additional road improvement work completed on Hickman and Gale Roads. There are funds available in the budget as the FY2015 Budget contained \$325,000 for road improvements and to date the Board has approved \$200,000.

It was moved by McKinney, seconded by Green, for the Board to approve the following contract with the Washtenaw County Road Commission:

2015 SUPERIOR TOWNSHIP THIRD AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2015, by and between the Township Board of Superior Township, Washtenaw County, parties of the first part and the Board of Washtenaw County Road Commissioners, parties of the second part.

WHEREAS, the parties of the first part desire that certain improvements be made upon the local roads in the Township of Superior, and

WHEREAS, proper authority is provided to the parties of the agreement under the provisions in Act 51 of Public Acts of 1951 as amended,

IT IS NOW THEREFORE AGREED, the parties of the second part will accomplish the improvements as specified herein, all in accordance with the standards of the parties of the second part.

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IT IS FURTHER AGREED, the Road Commission has provided an estimated cost for each individual project included herein. If, prior to beginning an individual project, it is determined that the original cost estimate will not cover project costs, the Road Commission will notify the Township to determine, if the Township desires to proceed with the project with a reduced scope or an additional funding commitment. Budgets are closely monitored on each project and every effort is made to avoid overruns. Any unexpected project cost overrun shall be taken from any unexpected funds remaining in the Township's total township agreement. If the overrun exceeds the total township agreement, the Road Commission may bill the Township up to an additional 10 percent of the total agreement amount with the Township. At the Township's option, such overruns can be taken from the following years matching funds.

1. Gale Road, between Vreeland Road and Cherry Hill Road:

Work to include the application of 350 tons of 23a limestone compacted-in-place with associated dust control. Estimated cost of \$16.73 per ton includes all labor, equipment and material costs.

Estimated project cost: **\$ 5,900.00**

2. Hickman Road, between Geddes Road and Vreeland Road:

Work to include ditching, roadside berm removal, and associated project restoration.

Estimated project cost: **\$ 14,900.00**

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2015 Superior Township Third Agreement
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AGREEMENT SUMMARY

Gale Road	\$	5,900.00
Hickman Road	\$	14,900.00
	\$	14,000.00

ESTIMATED AMOUNT TO BE PAID BY SUPERIOR TOWNSHIP
UNDER THIS AGREEMENT DURING 2015: **\$ 20,800.00**

FOR SUPERIOR TOWNSHIP:

Kenneth Schwartz, Supervisor
Witness

David Phillips, Clerk Witness

FOR WASHTENAW COUNTY ROAD COMMISSION:

Douglas E. Fuller, Chair Witness

Roy D. Townsend, Managing Director
Witness

The motion carried by unanimous voice vote.

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**F. RENEWAL OF PFEFFER, HANNIFORD AND PALKA CONTRACT TO
COMPLETE TOWNSHIP AUDIT, 2015, 2016 AND 2017**

Board members expressed support and satisfaction for the audit work completed by Pfeffer, Hanniford and Palka. There was a consensus to extend the contract for 2015, 2016 and 2017.

It was moved by McKinney, seconded by Green, for the Board to approve the following contract with Pfeffer, Hanniford and Palka

CHARTER TOWNSHIP OF SUPERIOR

CALENDAR YEARS 2015, 2016 and 2017 (three year contract)

PFEFFER, HANNIFORD & PALKA, Certified Public Accountants, registered to practice in the State of Michigan (hereinafter referred to as CERTIFIED PUBLIC ACCOUNTANTS) and the CHARTER TOWNSHIP OF SUPERIOR, A municipal corporation, of the State of Michigan (hereinafter referred to as TOWNSHIP) contract on this ___day of ,2015, as follows:

1. For the years ending DECEMBER 31, 2015, 2016 and 2017, the CERTIFIED PUBLIC ACCOUNTANTS shall conduct an audit of the general purpose financial statements of the TOWNSHIP for each year. The financial statements are the responsibility of the TOWNSHIP BOARD. Our responsibility is to express an opinion on the financial statements based on the audits. We will conduct the audits in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements.

An audit also includes assessing the accounting principles used and significant estimates made by the township as well as evaluating the overall financial statement presentation.

1. The CERTIFIED PUBLIC ACCOUNTANTS' audit shall meet the requirements of Act No.2, PA 1968, or as amended, and the related Bulletin for Audits of Local Units of Government in Michigan, dated June 1, 1968, or as amended, which is available from the State Treasurer.
2. If the township receives federal financial assistance, grants, or other contracts which require the audit be conducted in accordance with Government Auditing Standards or additional reports required under the Single Audit Act of 1984 and the Single Audit Amendments of 1996, we will issue a separate engagement letter and additional fee proposal to the board.
3. The reports on financial statements, as required by Act 2 of Public Acts of 1968, or as amended, shall contain an unqualified opinion by the CERTIFIED PUBLIC ACCOUNTANTS or such other opinion as he must render under the circumstances when he is unable to express an unqualified opinion.
4. The audit shall begin as soon after the signing of this contract as shall be convenient to the

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CERTIFIED PUBLIC ACCOUNTANTS and shall be completed with the CERTIFIED PUBLIC ACCOUNTANTS' reports issued not later than six months after the conclusion of the fiscal year.

5. The TOWNSHIP shall have closed and balanced all funds and bank accounts, agencies and operations to be examined by the CERTIFIED PUBLIC ACCOUNTANTS.

6. The estimated total audit fee for the 2015 year will be \$22,000, for the 2016 year will be \$22,000 and for the 2017 year will be \$22,000. For all non-audit services which the Township requests there will be an hourly fee of \$105.

7. The TOWNSHIP authorizes the CERTIFIED PUBLIC ACCOUNTANTS to immediately disclose any and all findings of suspected fraud, and/or embezzlement to the Deputy State Treasurer in charge of the Local Audit Division of the State Department of Treasury.

8. The CERTIFIED PUBLIC ACCOUNTANTS shall provide a reasonable number of reports to the TOWNSHIP officials.

PFEFFER, HANNIFORD & PALKA CHARTER TOWNSHIP OF SUPERIOR Certified Public Accountants

The motion carried by unanimous voice vote.

12. PAYMENT OF BILLS

It was moved by Green, seconded by Caviston, that the bills be paid as submitted in the following amounts: Fire- \$6,322.92 for a total of \$6,322.92. Further, that the Record of Disbursements be received.

The motion carried by a unanimous voice vote

13. PLEAS AND PETITION

Mirada Jenkins explained some of the programs Habitat for Humanity offered and said she would provide some pamphlets to the Township.

Supervisor Schwartz explained that the Township obtained a Circuit Court Judgment on 6645 Warren Road for the clean-up of the property. The property is probably the most serious blight in the Township. The Judgment indicated that the property was required to be cleaned by May 30, 2015 but clean-up has commenced. In fact it appears that more blight has been placed on the property. Supervisor Schwartz indicated the Township is in the process of notifying the property owner that if the clean-up is not completed within 30 days, the Township will hire contractors to complete the clean-up. It is estimated that the cost will be \$12,000 to \$14,000 and the owner will be responsible for the cost.

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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 8:15 p.m. .

Respectfully submitted,

David Phillips, Clerk

Kenneth Schwartz, Supervisor