

EAST CHINA CHARTER TOWNSHIP
PUBLIC HEARING FOR THE PROPOSED 2016 BUDGETS
OFFICIAL PROCEEDINGS **NOVEMBER 2, 2015**

CALL TO ORDER – Supervisor Simons called the Public Hearing to order at 7:00 p.m., with Clerk Kramm, Treasurer Beaudua, Trustees Blackstock, Knotts, Horn, and Patsalis.

One in the audience.

PURPOSE – The purpose of the Public Hearing was to hear public comments regarding the 2016 Budgets.

PUBLIC COMMENT – None.

The Board in an effort to adopt its proposed 2016 Budgets opened the public hearing. Copies of the proposed 2016 Budgets were made available, including the proposed property tax millage rate. All efforts were made to comply with Public Act 267 of 1976 as amended, and the Americans with Disabilities Act.

Information pertaining to the public budget hearing was published on October 28, 2015 in the Times Herald newspaper and posted in the Township Hall on October 26, 2015. All notices and publications were printed in the required font format.

This hearing is a formality required by State law. Since East China became a Charter Township by a vote of the people, the Board has the authority to approve taxation for operating to 5 mills. Action on these proposed budgets will take place at the regularly scheduled meeting of the Township Board this night, November 2, 2015, at 7:30 p.m., in accordance with the Uniform Budgeting and Accounting Act, P.A. 621 of 1978.

The millage rates are as follows:

Township Operating	2.6582
Township Capital Projects	.6457
2013A Capital Improvements Bonds	.3250
2013B Capital Improvements Bonds	<u>.1750</u>
SUBTOTAL OPERATING	3.8039
Water Plant Bonds 1999A (voted)	<u>.7447</u>
TOTAL MILLAGE RATE	<u>4.5486</u>

ADJOURN – Trustee Horn, supported by Clerk Kramm, moved to adjourn at 7:24 p.m. Carried.

Deanna Kramm, Clerk

Larry J. Simons, Supervisor

EAST CHINA CHARTER TOWNSHIP

OFFICIAL PROCEEDINGS

NOVEMBER 2, 2015

CALL TO ORDER – Supervisor Simons called the meeting to order at 7:30 p.m., with Clerk Kramm, Treasurer Beaudua, and Trustees Patsalis, Horn, Blackstock and Knotts.

One in the audience.

PLEDGE OF ALLEGIANCE

APPROVE AGENDA - Trustee Horn, supported by Trustee Blackstock, moved to approve the agenda. Carried.

APPROVE MINUTES – Treasurer Beaudua, supported by Trustee Patsalis, moved to approve the minutes of October 19, 2015. Carried.

CONSENT AGENDA – Clerk Kramm, supported by Trustee Blackstock, moved to accept the October 13, 2015 Planning Commission Public Hearing and regular meeting minutes. Carried.

DISBURSEMENTS – Treasurer Beaudua, supported by Trustee Horn, moved to approve payment of the bills in the amount of \$189,202.33, payroll in the amount of \$43,370.58, and ACH payments in the amount of \$14,723.06. Roll call vote: Yea: Beaudua, Horn, Patsalis, Blackstock, Knotts, Kramm, and Simons. Carried.

NEW BUSINESS – Clerk Kramm, supported by Trustee Knotts, moved to approve the John Hancock retirement plan document updates as presented. Roll call vote: Yea: Kramm, Knotts, Blackstock, Beaudua, Horn, Patsalis, and Simons. Carried.

Trustee Knotts, supported by Treasurer Beaudua, moved to approve the Installment Purchase Agreement, certificate relating to the Installment Purchase Agreement, Tax Exempt Status form, Act 99 Certificate and Non-Litigation, Signature Identification Certificate and the Tax Compliance Certificate. Roll call vote: Yea: Knotts, Beaudua, Blackstock, Kramm, Patsalis, Horn, and Simons. Carried.

Clerk Kramm, supported by Trustee Blackstock, moved to approve the 2016 Millage rate of 4.5486 as presented. Roll call vote: Yea: Kramm, Blackstock, Knotts, Patsalis, Horn, Beaudua, and Simons. Carried.

After the second reading, Trustee Blackstock, supported by Trustee Knotts, moved to adopt Ordinance 314 as follows. Carried.

ORDINANCE 314
EAST CHINA CHARTER TOWNSHIP
ST. CLAIR COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CHAPTER 480, ZONING, ARTICLE 2, DEFINITIONS, ARTICLE 20, GENERAL EXCEPTIONS, SECTION 79, YARD REGULATIONS AND SECTION 80, LOTS HAVING RIVER AND CANAL FRONTAGE.

THE CHARTER TOWNSHIP OF EAST CHINA ORDAINS:

SECTION 1. PURPOSE.

The purpose of the amendments is to add clarity to the East China Township Zoning Ordinance, Sections 480-79 (Yard Regulations) and 480-80 (Lots Having River and Canal Frontage.) The language will generally allow balconies and decks within non-required yards, regardless of whether it is a lot with river or canal frontage.

SECTION 2. AMENDMENTS.

1. The Code of Ordinances, Chapter 480-5 Definitions, is hereby deleted and replaced with the following:

YARDS — The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and as defined herein:

- A. **FRONT YARD** — An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. All yards abutting on a street shall be considered as front yards for setback purposes.
- B. **NONREQUIRED YARD** — An open space between the minimum setback line and the main building. The nonrequired yard is the additional yard area that the building is setback beyond the minimum setback requirement for the district.
- B C. **REAR YARD** — An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- D. **REQUIRED YARD** — An open space between the lot line and the minimum setback line. The required yard corresponds to the minimum setback requirement for the district.

€ E. SIDE YARD — An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

2. The Code of Ordinances, Chapter 480, Article 20, General Exceptions, 79. Yard Regulations, is amended as follows:

B. Attached porch, deck, patio, or terraces (in residential districts)

(1) Projection into required front or rear yard. An uncovered, unenclosed deck, porch, patio or paved terrace may project into a required front yard for a distance not exceeding ten feet, or may project into a required rear yard for a distance not exceeding 20 feet, but not to exceed a distance equal to 60% of the depth of the rear yard; provided, however, that this shall not be interpreted to include or permit fixed canopies **in a required front or rear yard**.

(2) Height. ~~Such~~ **An uncovered, unenclosed** deck, porch, patio or paved terrace **projecting into a required front or rear yard** shall not be more than two feet in height except for open, unenclosed railings not to exceed ~~2½~~ (3) three feet in height above the floor of the deck, porch, patio or paved terrace. **Height shall be measured from the average grade along the adjacent building face.**

(3) Rear yard utilization. ~~Such~~ **A** deck, porch, patio or paved terrace, together with all other accessory buildings and structures, shall not occupy more than 40% of the horizontal area of the rear yard.

E. An open, unenclosed, and uncovered porch, deck, or paved terrace may project into a **required** yard having river or canal frontage for a distance not exceeding 12 feet, but this shall not be interpreted to include or permit fixed canopies **in a required yard**. Such structures shall not exceed two feet in height, except for railings required to meet code requirements, not to exceed three feet in height above the floor of the porch, deck, or terrace. Height shall be measured from the average grade along the building face opposite and generally parallel to the river or canal frontage.

SECTION 3. SEVERABILITY.

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

SECTION 4. REPEAL.

All Ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective upon publication after adoption.

SECTION 6. INSPECTION OF ORDINANCE.

A copy of this Ordinance may be inspected or purchased at the Township Hall, 5111 River Road, East China, Michigan 48054, during regular posted office hours.

ORDINANCE DECLARED ADOPTED.

Clerk Kramm, supported by Trustee Patsalis, moved to adopt Resolution 12-2015 to amend and restate the East China Township Governmental Non-ERISA Retirement Plan. Carried.

**RESOLUTION 12 – 2015
TO AMEND AND RESTATE THE EAST CHINA TOWNSHIP
GOVERNMENTAL NON-ERISA RETIREMENT PLAN**

BE IT RESOLVED, that the Plan be amended and restated in the form attached hereto, which Plan is hereby adopted and approved;

THEREFORE, BE IT FURTHER RESOLVED, the authorized signor, Deanna Kramm, Clerk of East China Township be, and is hereby, authorized and directed to execute the Plan on behalf of the East China Township;

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

RESOLUTION DECLARED ADOPTED.

Supervisor Simons, supported by Clerk Kramm, moved to adopt Resolution 13-2015 approving an Installment Purchase Agreement. Carried.

**RESOLUTION 13 - 2015
AUTHORIZING INSTALLMENT PURCHASE AGREEMENT**

WHEREAS, an Installment Purchase Agreement (the "Agreement") between the Charter Township of East China (the "Township"), Michigan Industrial Controls, Inc. (the "Vendor"), and Northstar Bank (the "Bank"), for the purchase, acquisition and installation of certain software and equipment ("Software & Equipment") as specified in the specifications of the Vendor dated as of August 19, 2015 (the "Software and Equipment"); and

WHEREAS, the Township shall purchase the Software and Equipment for a purchase price of \$194,623.00 (the "Purchase Price) through execution of the Agreement; and

WHEREAS, the outstanding balance of all purchases by the Township under Act 99, exclusive of interest, shall not exceed one and one-quarter percent (1.25%) of the taxable value of the real and personal property in the Township at the date of such contract or agreement; and

WHEREAS, purchase of the Software and Equipment pursuant to the Agreement will not result in the outstanding balance of all such purchases in excess of the limitation contained within Act 99 as set forth above; and

WHEREAS, pursuant to the terms of the Agreement, the Purchase Price will be paid by the Township in five (5) annual installment payments of principal on May 1st of each year, commencing May 1, 2016, through May 1, 2020, inclusive, with interest on the unpaid principal payable on May 1, 2016 and annually thereafter at the rate of 2.89% per annum; and

WHEREAS, the Agreement is to be assigned to the Bank; and

WHEREAS, it is necessary to approve the Agreement and authorize the Supervisor and Township Clerk to execute the Agreement and authorize Township officials to execute certain other documentation relative thereto.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Agreement is hereby approved substantially in the form attached hereto at Exhibit A. The Township shall incur the debt described in the Agreement through execution of the Agreement by the officers authorized below which debt shall consist of the Purchase Price of \$194,623.00 which shall be payable in five (5) annual installment payments of principal due May 1st of each year with the first payment of principal due May 1, 2016, through and including May 1, 2020, with interest on the unpaid principal first payable on May 1, 2016 and annually on May 1 thereafter at a rate equal to 2.89% per annum.
2. The Supervisor and Township Clerk are hereby authorized and directed to execute the Agreement and deliver it to Vendor, substantially in the form attached hereto with such additions, changes and modifications as shall be approved by the Township's Bond Counsel.
3. The useful life of the Software and Equipment is hereby determined to be at least five (5) years.
4. The Supervisor, Township Clerk and Township Treasurer are each hereby directed and authorized to execute such additional documentation and open such accounts as shall be necessary to effectuate the closing of the Agreement and the assignment thereof.
5. The assignment of the Agreement by Vendor to the Bank is hereby approved.

6. The Township hereby agrees to include in its budget for each year commencing with the current fiscal year, a sum which will be sufficient to pay the principal of and interest on the Agreement coming due before the next fiscal year. In addition, the Township hereby pledges to levy ad valorem taxes on all taxable property in the Township each year in an amount necessary to make its debt service payments under the Agreement, subject to applicable constitution and statutory tax rate limitations.
7. The Township hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exemption of the interest on the obligations under the Agreement from general federal income taxation (as opposed to alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as amended, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of proceeds of the Agreement and moneys deemed to be proceeds.
8. The Township hereby declares that its obligations under the Agreement shall be designated as “qualified tax-exempt obligations” for purposes of deduction of interest expense by financial institutions under the provisions of the Internal Revenue Code of 1986, as amended.
9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

RESOLUTION DECLARED ADOPTED.

RESOLUTION 14-2015 – Trustee Knotts, supported by Treasurer Beaudua, moved to adopt Resolution 14-2015 Adopting the Township 2016 Budgets. Carried.

**RESOLUTION 14 – 2015
ADOPT THE 2016 BUDGETS**

WHEREAS, under the provisions of the Uniform Budgeting and Accounting Act 621 of 1978 for local units of government in Michigan, all budgets for the General Fund, Township Improvement Fund, Capital Projects Fund, Special Revenue Fund, and Debt Service Funds must be adopted by the Legislative Body, which is the East China Charter Township Board of Trustees, and,

WHEREAS, the East China Charter Township Supervisor hereby submits and recommends the adoption of the 2016 Budgets for the General Fund, Township Improvement Fund, Capital Projects Fund, Special Revenue Fund, and the Debt Service Funds, in accordance with the Uniform Budgeting and Accounting Act, P.A. 621 of 1978, and

WHEREAS, a Public Hearing on the proposed 2016 budgets was held in the East China Charter Township Hall on November 2, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the above recommended 2016 General Fund Budget, Township Improvement Fund Budget, the Capital Projects Fund Budget, the Special Revenue Fund Budget, and the Debt Service Funds Budgets be adopted in compliance with the State of Michigan Public Act 621 of 1978, which amends P..A. 2 of 1968 entitled, "The Uniform Budgeting and Accounting Act".

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

RESOLUTION DECLARED ADOPTED.

OPEN THE ATTACHED PDF FILE TO VIEW THE BUDGET SHEETS

ANNOUNCEMENTS – Township Office will be closed Wednesday, November 11, 2015 for Veterans Day. Fall curbside chipping will be Wednesday, November 18, 2015. Residents please call the fire department prior to burning and be considerate of neighbors and smoke. The County Road Commission will be hosting their meeting here on July 19, 2016 at 7:00 p.m.

MEMBER COMMENTS - Trustee Patsalis thanked members for their support for the loss of his mother. Trustee Blackstock asked members and residents to check out Belle River Park and canoe access. Supervisor Simons said the first lease payment has been received from Verizon for the cell tower they constructed on Township property on Springborn Road. Some old equipment from DPW department and the Water Plant will be sold and all sales will be approved by the Township Board.

ADJOURN – Treasurer Beaudua, supported by Trustee Horn, moved to adjourn at 8:05 p.m. Carried.

Deanna Kramm, Clerk

Larry J. Simons, Supervisor