

CHARTER TOWNSHIP OF EAST CHINA
OFFICIAL PROCEEDINGS

JANUARY 7, 2008

CALL TO ORDER – Treasurer Beaudua, called the meeting to order at 7:30 p.m., with Trustees Patsalis, Knotts, Simons, and Bober. Clerk Arnold and Supervisor Randolph excused.

Two in the audience.

PLEDGE OF ALLEGIANCE

APPOINT PRESIDENT PRO-TEM - Trustee Knotts, moved to appoint Trustee Bober as President Pro-Tem for tonight's meeting. Motion died for lack of support. Trustee Patsalis, supported by Trustee Bober, moved to appoint Treasurer Beaudua, as President Pro-Tem. Carried.

APPROVE MINUTES – Trustee Bober, supported by Trustee Patsalis, moved to approve the Minutes for December 17, 2007, with changes as follows. Carried.

Treasurer Beaudua, supported by *Trustee Knotts*, moved to approve payment of the bills in the amount of \$64,285.96, payroll in the amount of \$24,544.32, ACH payments in the amount of \$31,377.20, and tax account in the amount of \$33,791.10. Roll call vote: Yea: Patsalis, Beaudua, Knotts, Simons, Bober, Arnold, and Randolph. Nay: None. Carried.

CONSENT AGENDA – Trustee Knotts, supported by Trustee Bober, moved to accept the Sewer and Water Authority Minutes for October 25, 2006. Carried.

Trustee Knotts, supported by Trustee Simons, moved to table action regarding the St. Clair County Road Commission meeting schedule. Carried.

DISBURSEMENTS – Trustee Simons, supported by Trustee Patsalis, moved to approve payment of the bills in the amount of \$205,874.84, payroll in the amount of \$22,837.66, ACH payments in the amount of \$18,981.30 and tax account in the amount of \$114,691.85. Roll call vote: Yea: Patsalis, Beaudua, Knotts, Simons and Bober. Nay: None. Carried

MEMBER REPORTS – Treasurer Beaudua reported on the Historical Commission meeting held January 2, 2008. They received a thank you from the Marine City Civic Women's Club, for participating in their Christmas home tour. A thank you was sent to Betty Harvey and Cathy Christensen for decorating the Red Brick School for the holiday season. ~~Upgrades~~ *Changes* are being considered for the open house ~~flag display~~ *sign to attract attention*. The Red Brick School will be on the schedule for the St. Clair home tour in September and plans are being made to participate in St. Clair's Sesquicentennial parade.

Trustee Knotts reported on the St. Clair River Sewer and Water Authority meeting held December 18, 2007. Their February meeting will be held January 22, 2008, the budgets will be reviewed, and then the regular schedule will resume. They are working on a plan to spread out replacing water plant modules. The contribution to the water module replacement fund has been raised from \$25,000 per year to \$36,000 per year.

Water Plant Superintendent McLeod is evaluating the need to replace water filtration modules in 2008. There are twelve cassettes that contain the 96 modules. Each cassette has a twelve-year life span. Each module has a replacement cost of \$5,500. The technology to operate the water plant changes every six years. Using the drying beds at the sewer plant and then hauling the sludge to the landfill, rather than using farmland applications, which costs about \$22,000 a year, could save a considerable amount of money. Items on the repair list for 2008 are tank skimmers, process water pumps, and having the elevator updated and load tested. There will be a co-op student working for a short time at the sewer plant this year. Water funds are starting to accumulate to start repaying the debt to the sewer funds. Cash balances as of the December meeting date are: Sewer Authority \$407,006.82, Water Replacement Fund \$92,242.77 and Water Plant Module Replacement Fund \$104,776.62.

NEW BUSINESS – Susan Tkachik will be attending a MTA Board of Review Training course in Port Huron.

Members passed around the sign up sheet for the MTA annual dinner meeting for Crystal Gardens on January 24, 2008.

Trustee Bober, supported by Trustee Simons, moved to designate Keith Zick as the Township Attorney for the Year 2008. Roll call vote: Yea: Bober, Simons, Patsalis, and Knotts. Nay: Beaudua. Carried.

Trustee Patsalis, supported by Trustee Knotts, moved to designate Vilican-Leman as the Township Planners for the Year 2008. Roll call vote: Yea: Patsalis, Knotts, Simons, Bober, and Beaudua. Nay: None. Carried.

Trustee Bober, supported by Trustee Simons, moved to designate Wade-Trim as the Township Engineers for the Year 2008. Roll call vote: Yea: Bober, Simons, Patsalis, Knotts, and Beaudua. Nay: None. Carried.

Received a \$1,124.88 dividend refund check from the Township's Worker Compensation plan for the period July 1, 2005 thru July 1, 2006.

Trustee Knotts, supported by Trustee Patsalis, moved to approve attendance by Superintendent Dion Pike at the NPDES Permit Application Workshop in Lansing, at a cost of \$75.00, with necessary expenses. Roll call vote: Yea: Knotts, Patsalis, Simons, Bober, and Beaudua. Nay: None. Carried.

RESOLUTIONS – Trustee Simons, supported by Trustee Bober, moved to adopt Resolution 08-01, to establish Poverty Exemption guidelines. Carried.

**RESOLUTION 08-01
POVERTY GUIDELINES**

WHEREAS, the adoption of guidelines for poverty exemptions is within the purview of the Township Board; and

WHEREAS, the homestead of persons who, in the judgment of the Board of Review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under Public Act 390, 1994 (MCL 211.7u); and

WHEREAS, pursuant to PA 390, 1994 the Charter Township of East China, St. Clair County adopts the following guidelines for the Supervisor and Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

To be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of and occupy as a homestead the property for which an exemption is requested.
- 2) File a claim with the board of review, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in the current year.
- 3) Produce a valid drivers' license or other form of identification if requested.
- 4) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if requested.
- 5) Meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget.
- 6) The application for an exemption shall be filed after January 1, 2008 but before the day prior to the last day of board of review.
- 7) Any additional eligibility requirements as determined by the Township Board;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the Board of Review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these are communicated in writing to the claimant.

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.

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**Suggested Poverty Guidelines
For 2008**

Size of Family Unit	Poverty Guidelines
1	\$10,210
2	\$13,690
3	\$17,170
4	\$20,650
5	\$24,130
6	\$27,610
7	\$31,090
8	\$34,570

For each additional person, add; \$3,480

Trustee Bober, supported by Trustee Knotts, moved to adopt Resolution 08-02, for Performance and Indemnification to work on or near state roads. Carried.

**RESOLUTION 08-02
PERFORMANCE AND INDEMNIFICATION**

WHEREAS, the Charter Township of East China, hereinafter referred to as the "GOVERNMENTAL BODY" from time to time makes application to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT" for permits, hereinafter referred to as "PERMIT", to construct, operate, and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right-of-ways at various locations within and adjacent to it's corporate limits.

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT to the GOVERNMENTAL BODY agrees that:

1. It will faithfully fulfill all permit requirements and will indemnify, save harmless, represent, and defend the State of Michigan Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract from any and all claims of every kind for injuries to, or death of any and all persons, and for loss, or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the presence of the GOVERNMENTAL BODY'S facilities, and/or it's installation, construction, operation, maintenance, or other activities which are being performed under the terms of the PERMIT on, over and/or under the state trunkline right-of-way, except claims resulting from the sole negligence or willful acts or omissions of said DEPARTMENT, it's officers, agents, employees, and contracting governmental bodies and officers, agents, and employees thereof, performing permit activities.

2. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without it's specific prior written consent and notwithstanding the issuance of the PERMIT.
3. It will, by it's own violation and/or request by the DEPARTMENT/ promptly restore and/or correct physical or operating damages to any state trunkline right-of-way resulting or arising out of the installation, construction, operation, and/or maintenance of the GOVERNMENTAL BODY'S facilities pursuant to a PERMIT issued by the DEPARTMENT.
4. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not preclude the DEPARTMENT requiring additional performance security or insurance when deemed necessary by the DEPARTMENT.
5. This Resolution shall continue in force from the date hereof until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT, which has already been issued, or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position or positions are hereby authorized to make application to the Michigan Department of Transportation for the necessary permit to work within state trunkline rights-of-way on behalf of the GOVERNMENTAL BODY.

John A. Randolph, Supervisor
Gary J. Arnold, Clerk

RESOLUTION DECLARED ADOPTED.

ORDINANCE – Trustee Patsalis, supported by Trustee Bober, moved to adopt Ordinance 296. Carried.

ORDINANCE 296

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF EAST CHINA, ZONING ORDINANCE, CHAPTER 480, ARTICLE III, ZONING DISTRICTS AND MAP, SECTION 480-7 DISTRICT BOUNDARIES; ZONING MAP.

THE CHARTER TOWNSHIP OF EAST CHINA ORDAINS:

SECTION 1. PURPOSE

The purpose of this Ordinance is to amend the Official Zoning Map of the Code of Ordinances, Article III - Zoning Districts and Map - Section 480-7 - District Boundaries; Zoning Map.

SECTION 2. AMENDMENT

The Official Zoning Map of the Code of Ordinances, Article III - Zoning Districts and Map - Section 480-7 - District Boundaries, Zoning Map, shall be amended as follows:

Land on the west side of M-29 at the intersection of River Road and Rivera situated in the Charter Township of East China, St. Clair County, Michigan, known as 3402 River Road, described as:

Lot 37 and 1/2 width of vacated Main Street adjacent thereto, Benjamin F. Mortenson's St. Clair Shores, according to the plat thereof as recorded in Liber 28 of Plats, page 9, St. Clair County Register of Deeds Office. Including part of vacated DUR Right-of-Way and the Westerly 1/2 of vacated Main Street East, Benjamin F. Mortenson's St. Clair Shores, according to the plat thereof as recorded in Liber 28 of Plats, page 9, St. Clair County Register of Deeds Office, commencing at the Southeast corner of Lot 37, as platted, thence South 72 degrees 13 minutes 25 seconds West 56.83 feet along the South line of Lot 37 and its extension to the centerline of vacated Main Street East and the point of beginning; thence continuing South 72 degrees 13 minutes 25 seconds West 46.12 feet; thence North 31 degrees 09 minutes 23 seconds West 102.99 feet along the Westerly line of former DUR Right-of-Way to the South line of Rivera Avenue; thence along said line North 72 degrees 13 minutes 25 seconds East 53.38 feet to the centerline of vacated Main Street East; thence along said centerline South 27 degrees 10 minutes 00 seconds East 101.56 feet to the point of beginning. Tax ID 74-18-534-0028-000, is hereby rezoned in accordance with the attached Conditional Zoning Agreement from (R-1) One Family Residential District to (B-1) Local Business with an (OS-1) Office Service Use Restriction.

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. PENALTIES

All violations of this Code shall be civil infractions, and upon conviction thereof, shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars.

- A. No Exemption From Compliance. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance.
- B. Other Appropriate Relief. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

- C. Each Day A Separate Offense. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- D. Rights and Remedies are Cumulative. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective upon publication after adoption.

SECTION 7. 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.

CHARTER TOWNSHIP OF EAST CHINA CONDITIONAL ZONING AGREEMENT

AN AGREEMENT dated this 7th day of January 2008, between the Charter Township of East China, 5111 River Road, East China, Michigan 48054, and Gary Hosey and Debra Hosey, for their property located at 3402 South River Road, East China. Michigan 48054.

WHEREAS, the Charter Township of East China (the "Township"), is a municipal corporation in the County of St. Clair and State of Michigan; and

WHEREAS, Gary Hosey and Debra Hosey (the "Owners") are the owners of property located at 3402 South River Road, East China Township, and also known as tax parcel number 74-18-534-0028-000 and more particularly described as follows:

Those premises situated in the Township of East China, St. Clair County, Michigan, to-wit:

Lot 37, including the vacated alley adjacent and that part of DUR lying between extended North and South lines of Lot 37, Benjamin F. Mortensen St. Clair Shores Subdivision (the "Property"),

and;

WHEREAS, a portion of the above described Property is zoned under the Charter Township of East China Zoning Ordinance (the "Ordinance") as R-1 and a portion of the Property is zoned as B-1; and

WHEREAS, the Owners have requested that the portions of the Property which are zoned as R-1 be rezoned as B-1 and that conditions be imposed on that Property; and

WHEREAS, the Township Planning Commission has recommended that the Property be rezoned as B-1 with the restriction that the Owners limit their future uses of the portion of the Property currently zoned as R-1 to those uses and provisions of the Ordinance which are permissible in an OS Zoning District; and

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WHEREAS, the Owners and the Township wish to memorialize the restrictions placed on the Property and make such conditions a matter of record with the St. Clair County Register of Deeds Office which run with the land.

NOW, THEREFORE, the Owners and the Township agree:

1. Those portions of the Property described above which are currently zoned as R-1 are hereby rezoned as B-1 under the Ordinance.
2. In consideration of the Property being rezoned as B-1 under the Ordinance, the portion of the Property being rezoned shall be used for such uses and comply with provisions which would be permitted in an OS zoning district under the Ordinance.
3. This restriction on rezoning shall run with the land and for the benefit of and be binding upon subsequent owners or interested party in the Property.
4. If the restriction and condition of this rezoning is violated and such violation continued for thirty (30) days after the owner of the property is served with written notice of the violation, the Township may revert the zoning for that portion of the Property which was previously R-1 zoning back to R-1 zoning.

ADJOURN – Trustee Simons, supported by Trustee Patsalis, moved to adjourn at 8:13 p.m. Carried.

Donald K. Beaudua, President Pro-Tem

Gary J. Arnold, Clerk

January 7, 2008