

EAST CHINA CHARTER TOWNSHIP
OFFICIAL PROCEEDINGS

OCTOBER 5, 2009

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

PLEDGE OF ALLEGIANCE

One in the audience.

APPROVE MINUTES – Trustee Horn, supported by Trustee Bober, moved to approve the Minutes of September 21, 2009. Carried.

CONSENT AGENDA – Trustee Bober, supported by Trustee Horn, moved to accept the Consent item as follows: Park Commission minutes of September 9, 2009. Carried.

DISBURSEMENTS – Trustee Patsalis, supported by Treasurer Beaudua, moved to approve payment of the bills in the amount of \$62,375.47, payroll in the amount of \$21,955.99 and ACH payments in the amount of \$20,037.83. Roll call vote: Yea: Beaudua, Bober, Simons, Arnold, Patsalis, Horn, and Randolph. Nay: None. Carried.

MEMBER REPORTS – Trustee Simons reported on Marine City Fire Board meeting of September 23, 2009. The final version of the advisory board was read and they discussed costs and community runs.

NEW BUSINESS – Trustee Bober, supported by Trustee Horn, moved to approve a \$241.58 sewer credit for Gary Buckingham, 5770 River Road, due to a major toilet leak. Roll call vote: Yea: Beaudua, Bober, Simons, Arnold, Patsalis, Horn, and Randolph. Nay: None. Carried.

Received the St. Clair Sheriff Department quarterly activity report.

Received two quotes for a trash pump for the DPW. Contractors Connection \$2,040 and AIS Construction Equipment \$1,839. After comparing the performance standards, Trustee Simons, supported by Trustee Horn, moved to purchase the trash pump from Contractors Connection for \$2,040. Roll call vote: Yea: Beaudua, Bober, Simons, Arnold, Patsalis, Horn, and Randolph. Nay: None. Carried. This expense will be charged to the DPW Replacement Fund Project Cost Account 641-902-967.02.

Treasurer Beaudua, supported by Trustee Patsalis, moved to approve attendance by Craig Harris at the MRWA sponsored Permit Required Confined Space class in Brighton, on October 27, 2009, in the amount of \$200.00 with necessary expenses. The class will provide .8 CEC's for Water and .8 CEC's for Wastewater towards his license renewal. Roll call vote: Yea: Patsalis, Simons, Horn, Beaudua, Bober, Arnold, and Randolph. Nay: None. Carried.

Trustee Bober, supported by Treasurer Beaudua, moved to approve attendance by Eric Sheldon and Mike McLeod at the AWWA sponsored Fall Regional meeting in Port Huron on October 14, 2009, in the amount of \$60.00 per person with necessary expenses. The class will provide .5 of MDEQ advisory board approved education credit towards their license renewal. Roll call vote: Yea: Patsalis, Simons, Horn, Beaudua, Bober, Arnold, and Randolph. Nay: None. Carried.

Trustee Patsalis, supported by Trustee Bober, moved to accept the Revenue and Expenditure report for May 2009. Carried.

Treasurer Beaudua, supported by Trustee Horn, moved to approve attendance by Dion Pike at the MDEQ sponsored General Safety Class in Frankenmuth on October 19, 2009 in the amount of \$130.00 with one night's lodging and necessary expenses. The class will provide .3 CEC's for Water and .6 CEC's for Wastewater towards his license renewal. Roll call vote: Yea: Patsalis, Simons, Horn, Beaudua, Bober, Arnold, and Randolph. Nay: None. Carried.

Trustee Horn, supported by Trustee Simons, moved to receive the 2009 St. Clair County Park Local Millage Distribution in the amount of \$16,080.90. The Park Commission will be using the funds to purchase roll-up protective screens for the pavilions in the park that do not have them. Carried.

Trustee Bober, supported by Trustee Patsalis, moved to transfer \$28,529.22 from the new account, 591-990-999.55 Operating Transfer Out to Water Authority, to the new account 515-960-699.51 Operating Transfer in from Water Department, to be applied to the future purchase of additional modules for the Water Filtration Plant. Roll call vote: Yea: Patsalis, Simons, Horn, Beaudua, Bober, Arnold, and Randolph. Nay: None. Carried. This amount represents the overpayment by the East China Township Water Department to the Water Authority due to the outcome of the 2008 Annual Audit based on actual flows.

Supervisor Randolph, supported by Trustee Bober, moved to adopt Resolution 09-11 Local Road Funding. Carried.

RESOLUTION 09-11 LOCAL ROAD FUNDING

WHEREAS, the St. Clair County Road Commission has established the Local Road System Funding Assistance Program through Policy No. 75, as revised December 18, 2007; and

WHEREAS, the Local Road System Funding Assistance Program provides matching funds to the townships for the improvement of local roads in St. Clair County; and

WHEREAS, said matching funds are available to the townships on an annual basis up to \$100,000 per project; and

WHEREAS, the Charter Township of East China has identified a need to improve Rochelle and Parkridge roads using the Local Road System Funding Assistance Program;

NOW, THEREFORE, BE IT RESOLVED, That the Charter Township of East China makes application to the St. Clair County Road Commission for funding under the Local Road System Funding Assistance Program for the year 2010 for the above named roads; and

FURTHER, That the Township Supervisor, John A. Randolph, is authorized to sign the application on behalf of the Charter Township of East China.

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.

After the second reading, Treasurer Beaudua, supported by Trustee Horn, moved to adopt Ordinance 301 as follows. Carried.

ORDINANCE NO. 301

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CHAPTER 195, CEMETERIES, SECTION 195-8., RESTRICTIONS; UNLAWFUL ACTIVITIES, E. FIREARMS.

THE CHARTER TOWNSHIP OF EAST CHINA ORDAINS:

SECTION 1. PURPOSE

The purpose of this Ordinance is to amend the Code of Ordinances, Chapter 195, Cemeteries, Section 195-8, Restrictions, unlawful activities., E. Firearms, to comply with state law.

SECTION 2. AMENDMENTS

1. Chapter 195-8 E. is hereby deleted and replaced with the following:

- E. Firearms. No person shall discharge any firearm in the cemetery, except where such arms are carried and used by military organizations or societies in burial services.

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. PENALTY.

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.

- .01 No Exemption From Compliance. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance.
- .02 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.
- .03 Each Day A Separate Offense. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- .04 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.

ORDINANCE DECLARED ADOPTED.

After the second reading, Trustee Bober, supported by Trustee Simons, moved to adopt Ordinance 302 as follows. Carried.

ORDINANCE NO. 302

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CHAPTER 343, PARKS, SECTION 343-3. PROHIBITIONS AND RESTRICTIONS, G. FIREARMS AND WEAPONS.

THE CHARTER TOWNSHIP OF EAST CHINA ORDAINS:

SECTION 1. PURPOSE

The purpose of this Ordinance is to amend the Code of Ordinances, Chapter 343 Parks 343-3 - Prohibitions and restrictions. G. Firearms and weapons, to comply with state law.

SECTION 2. AMENDMENTS

1. Chapter 343-3 G. is hereby deleted and replaced with the following:

- G. Firearms and weapons. No person shall discharge any firearm, bow and arrow, BB gun, slingshot, air rifle or any other weapon within the public parks, excepting police officers in the performance of their regular duties.

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.

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ORDINANCE DECLARED ADOPTED.

BOARD MEMBER COMMENTS – Treasurer Beaudua extended a thank you to the Tractor Club for their plans to attend the Time Capsule Ceremony on November 7, 2009 at 11:00 a.m. He also requested the tall grass be cut at the vacant property located next to 3667 River Road.

Trustee Horn said the Beautification Committee predicts all of the ash trees in the area will be diseased within five years.

Trustee Patsalis contacted our Attorney and he advised that a dangerous animal ordinance should be the responsibility of the county. He mentioned the home on the corner of Springborn and Belle River Road still needs to be demolished.

Trustee Bober said bids will be taken during the next few meetings for various township services such as insurance coverage, attorney, planner, engineer and auditors.

ADJOURN – Treasurer Beaudua, supported by Trustee Horn, moved to adjourn at 8:13 p.m. Carried.

John A. Randolph, Supervisor

Gary J. Arnold, Clerk