

## EAST CHINA CHARTER TOWNSHIP

### OFFICIAL PROCEEDINGS

**MARCH 4, 2024**

**CALL TO ORDER** – Supervisor Westrick called the meeting to order at 7:00 p.m., with Clerk Smith, and Trustees Babel, Blackstock, Reichle. Trustee Knotts and Treasurer Hart absent. Township Manager Cindy Paparelli and Deputy Clerk Pat Biebuyck, also in attendance.

Two in the audience.

### PLEDGE OF ALLEGIANCE

**APPROVE AGENDA** – Trustee Reichle, supported by Trustee Babel, moved to approve the Agenda with the addition of C5-Township Manager Report. Carried.

**PUBLIC COMMENT** – None.

**CONSENT AGENDA** – Clerk Smith, supported by Trustee Reichle, moved to accept the Consent Agenda as follows: Department Reports, DPW Training, DPW Trailer Purchase, Park Commission December 2023 Minutes. Carried.

**DISBURSEMENTS** – Clerk Smith, supported by Trustee Babel, moved to approve payment of the bills as follows: Payroll \$42,421.00, Accounts Payable \$330,876.20, EFT's \$63,196.78, E Checks \$302.30, Tax Account \$268,001.19, Invoices \$108,955.62. Roll call vote: Yea: Smith, Babel, Blackstock, Reichle, Westrick. Carried.

### OLD BUSINESS

#### OB-1 Ordinance 327 Sewer Use Regulations

After the second reading of Ordinance 327, Supervisor Westrick, supported by Clerk Smith, moved to adopt Ordinance 327 – Sewer Use Regulations. Carried.

#### ORDINANCE NO. 327

CHARTER TOWNSHIP OF EAST CHINA

ST. CLAIR COUNTY, MICHIGAN

TO AMEND ORDINANCE 117, CHAPTER 453, Sections 8 and 9

SEWER USE REGULATIONS

[Adopted 11-18-1980 by Ord. No. 117 as Ch. 6-03 of the 1980 Code]

§ 453-8. Sewer use regulations.

A. Unpolluted drainage.

(1) Restrictions.

(a) Stormwater, surface water, groundwater, or roof water. It shall be unlawful for any person, corporation or other legal entity, directly or indirectly, to cause, permit, allow or suffer the discharge of stormwater, surface water, groundwater, or roof water into the sanitary sewer system of the

Township through connections, openings, lines, or systems situated on the premises owned, used by or under the direct or indirect control of any person, corporation or other legal entity.

(b) Inflow sources. No person shall permit any new connections from inflow sources into the sanitary sewer portions of the sewer system.

(c) The use and drainage from weep tiles or other similar objects, such as downspouts, collecting and/or draining water outside of the basement and draining into the basement and/or sanitary sewer system, is specifically prohibited.

§ 453-9. Violations; disconnection; action to correct; hearing.

A. Disconnection. Any person, corporation or other legal entity who owns a premises which is in violation any of the provisions of this article is responsible for a municipal infraction, as detailed herein. In addition to all other rights and remedies provided herein, the Township may disconnect any water/sewer connection that is in violation of this article until the violation is corrected and the Township is reimbursed for all costs and fees incurred in pursuing and correcting the violation and all fines related to the violation are paid in full.

B. Action to correct.

(1) By Township. If a premises is in violation of this article, the Township may elect to perform the work necessary to correct the violation and/or contract to have such correction made. In such event, the cost of making such correction shall be charged and assessed against the premises upon which the violation was occurring as a municipal lien and added to the tax roll for the premises as an assessment to be collected in the same manner as property taxes. Further, the owner of such premises shall be responsible for all costs and fees incurred in pursuing and correcting the violation and all fines and the Township may pursue collection via civil action.

(2) Written notice to owners. Prior to the Township, its agents or subcontractors correcting a violation of this article, the person in possession of said premises and the record owners as disclosed by the records in the St. Clair County Register of Deeds Office shall be given written notice of the violation (the "Violation Notice") and time to correct the violation, not to exceed 45 days, as determined by the Township in its sole discretion. The Violation Notice shall also advise the owner of their right to request a hearing within 21 days of the date of the Violation Notice. The cost of determining the owners and parties in possession of any premises upon which a violation is or has occurred, together with any attorney fee, recording, title search, or other such similar expense, shall be included in and made a part of the lien above provided for.

C. Hearing.

(1) Determination. A person who receives a Violation Notice may request a hearing (the "Violation Hearing") before the Township Supervisor concerning the violation by submitting a written request for a hearing to the Township Clerk or Supervisor within 21 days of the date of the Violation. If a written request for a Violation Hearing is timely received, the Township Supervisor shall schedule a Violation Hearing as detailed herein. If a written request for a Violation Hearing is not timely received or the violation is not corrected within the time required in the Violation Notice, the owner of the property involved shall be responsible for a municipal civil infraction subject to Subsection E regarding Noncompliance below.

(2) Service of Notice of Violation Hearing. Upon timely receipt of a request for a Violation Hearing the Supervisor shall set a time and place for a Violation Hearing, and written notice (the "Hearing Notice") thereof shall be given to all interested parties as provided herein.

(a) Personally. The Hearing Notice may be served personally.

(b) Registered or certified mail. The Hearing Notice may be served by registered or certified mail, return receipt requested, addressed with postage prepaid to the last known address of the party and/or to the address identified on the written request for the Violation Hearing.

(c) Publication. In the event that a party cannot be found within the Township, and no address is known or can be found for him, upon approval of the Township Attorney the Hearing Notice may be served by publication for three successive days, at least 10 days prior to the date set for Violation Hearing, in a newspaper of general circulation published in the Township.

(d) Posting on structure. In every case a copy of the Hearing Notice shall be posted in a prominent place on the dwelling or structure located on the subject property at least 15 days prior to the hearing.

(e) Interested party defined. For the purpose of this section, an "interested party" shall be any person or entity listed on the assessment roll or found upon the premises. If the identity of an interested person is not known, the Hearing Notice may be directed to "All Parties With an Interest" in the subject property.

(f) Proof of service. Proof of service of the Hearing Notices shall be filed with the Township Clerk on or before the date of the Violation Hearing.

(3) Conduct of the Violation Hearing. The Supervisor shall conduct the Violation Hearing, which is a non-public hearing. The Violation Hearing may be recorded and/or minutes of the Violation Hearing shall be approved by the Supervisor. An interested party may, at its expense, have counsel present at the Violation Hearing and has the right to introduce relevant evidence, to examine and/or cross examine witnesses, and to have their objections to the Violation Notice heard by the Supervisor. The Township enforcing officer may be represented by counsel assigned by the Township Attorney at the Violation Hearing. The Supervisor may set rules of procedure and conduct related to the Violation Hearing.

(4) Findings.

(a) Measure of proof. After considering evidence, testimony and arguments presented at the Violation Hearing the Supervisor shall determine whether a violation of this article exists based upon a preponderance of all the evidence. The Supervisor shall render his/her decision after a Violation Hearing in writing sent to all parties.

(b) Decision. If the Supervisor determines that a violation exists, the written finding shall recite the basis thereof in sufficient detail to identify the evidence relied on to reach the finding. Copies of written determination of shall be distributed to the enforcing officer and each interested party.

(c) Dismissal. If, after a Violation Hearing, the Supervisor determines a violation does not exist, the Violation Notice shall be dismissed and no further action taken thereon.

D. Compliance period. If, after a Violation Hearing, the Supervisor determines a Violation exists, the Supervisor may, in his/her discretion, allow time to correct the violation not to exceed 45 days.

E. Noncompliance.

(1) Township action to correct. In the event a violation is not corrected within the time demanded in the Violation Notice or, if a Violation Hearing occurred, the time allowed by the Supervisor, if any, the owner of the subject property shall be responsible for a municipal civil infraction, the fine of which shall be \$100 per day after the time to correct has expired. In addition to all other remedies available under the law, the Township may, in its sole discretion, correct such violation through its own agents and subcontractors. All costs and fees incurred by the Township to pursue and correct a violation shall be the responsibility of the owner of the subject property and shall constitute a lien on the subject property to be added to the tax rolls as special tax against said premises collected in the same manner as property taxes. The Township may also pursue collection of all costs and fees by pursuing a civil action against the owner of the subject property.

## **OB-2 Public Services Director Job Description and Recruitment**

Trustee Reichle, supported by Supervisor Westrick, moved to have the Township Manager create the position of Public Services Director and authorize the Township Manager to recruit to fill the position. Carried.

## **NEW BUSINESS**

### **NB-1 Lawn Care Contract Extension**

Supervisor Westrick, supported by Trustee Babel, moved to approve the Township Manager to extend the contract with Kevins Lawn Care for lawn cutting and grounds maintenance for the 2024 season with the pricing remaining the same as 2023. Roll call vote: Yea: Westrick, Babel, Blackstock, Smith, Reichle. Carried.

### **NB-2 B2B Bridge Stain and Seal Approval**

Trustee Reichle, supported by Trustee Blackstock, moved to approve Wavewood Services in the amount of \$6,050 for the cleaning and re-sealing of 3 bridges in the main park. Roll call vote: Yea: Reichle, Blackstock, Babel, Smith, Westrick. Carried.

### **NB-3 Audit Engagement**

Supervisor Westrick, supported by Trustee Reichle, moved to approve the Audit Engagement with Yeo & Yeo in the amount of \$23,000 Base Audit and \$12,500 for Miscellaneous forms and documents, totaling \$35,500 for the 2023 Audit. Roll call vote: Yea: Westrick, Smith, Reichle, Babel, Blackstock. Carried.

### **NB-4 New flagpole at Township Hall**

Supervisor Westrick, supported by Trustee Reichle, moved to approve a quote from Rocket Enterprise, in the amount of \$10,719.50, for a new flagpole and flags at the Township Hall. The

other 3-poles will be removed. Roll call vote: Yea: Westrick, Reichle, Blackstock, Babel, Smith. Carried.

**NB-5 Summer Recreation Program and Staff**

Supervisor Westrick, supported by Trustee Babel, moved to approve the Township Manager to recruit for a Summer Recreation Program Director and support staff. The program will be held at East China Park, June 17- August 1, 2024, 9 am until noon Monday-Wednesday. Field trips on Thursdays. Carried.

**NB-6 Park Seasonal Staff Recruitment**

Supervisor Westrick, supported by Clerk Smith, moved to approve the Township Manager to recruit for 3-Parks Maintenance Workers for April-October, 20-25 hours per week, \$13-\$16 per hour. Carried.

**MEMBER COMMENTS** – Trustee Allen said that someone has posted pictures of Rosehill Cemetery dumpster containing many graveside articles on Facebook. Trustee Babel said that the items in the dumpster were cleaned off the grave-sites 2023 Spring/Summer and were held until March 2024 for people to claim their items that are not allowed on the gravesites. Clerk Smith said that East China had 69 voters during 9-days of Early Voting, required by the State. Supervisor Westrick said that the manhole at the south-end is scheduled to be completed spring 2024. They still have water service taps to complete along Pointe Drive, and will be moving to the North-end of the Township to complete 45-new valves. The River Road SAD project is in process with Easements being created now. The DPW pole-building project is getting close to going out for bids, and the County is requiring updates to the storm sewer in that area.

**ADJOURN** – Trustee Reichle, supported by Trustee Babel, moved to adjourn at 7:37 p.m. Carried.

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Sandra Smith, Clerk

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Verne Westrick, Supervisor