

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433
BOARD OF TRUSTEES MINUTES

DATE: NOVEMBER 4, 2021

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX: 810-659-4212

WEB PAGE: <http://flushingtowship.com>

ADMINISTRATION:

SUPERVISOR: Frederick R. Thorsby
CLERK: Wendy D. Meinburg
TREASURER: Terry A. Peck

TRUSTEES:

William Bain
Linda Minarik
William L. Westenbarger
Sharilynn K. Willette

TOWNSHIP ATTORNEY:

STEVEN W. MOULTON PLLC
6258 W. Pierson Road
Flushing, MI 48433
810-407-7658

I. MEETING CALLED TO ORDER at 7:01 P.M. by **SUPERVISOR FREDERICK R. THORSBY** with Roll Call and the Pledge of Allegiance to the American Flag.

II. ROLL CALL: Peck, Thorsby, Willette, Westenbarger, Bain, Minarik and Meinburg. Attorney Steven Moulton was also present.

MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Seven (7)

APPROVAL OF AGENDA FOR NOVEMBER 4, 2021

TREASURER PECK MOVED, supported by Trustee Willette to approve the agenda for November 4, 2021.

TRUSTEE WESTENBARGER MOVED, supported by Trustee Minarik to amend the agenda by adding as item 9 a discussion and possible vote on the purchase of two generators for the Township office.

THE MOTION CARRIED UNANIMOUSLY TO APPROVE THE AGENDA AS AMENDED.

APPROVAL OF DRAFT MINUTES OF THE BOARD MEETING OF OCTOBER 14, 2021

TRUSTEE WILLETTE MOVED, supported by Trustee Westenbarger to approve the Minutes of the October 14, 2021 Board Meeting.

THE MOTION CARRIED UNANIMOUSLY.

APPROVAL OF PAYMENT OF BILLS

TREASURER PECK MOVED, supported by Clerk Meinburg to approve the payment of bills.

THE MOTION CARRIED UNANIMOUSLY.

III. PUBLIC COMMENTS:

OPEN FOR PUBLIC COMMENTS: 7:05 P.M.

One individual gave comment.

CLOSED FOR PUBLIC COMMENTS: 7:06 P.M.

IV. UNFINISHED BUSINESS: None

V. NEW BUSINESS:

1. Second Reading of the amendment to the Zoning Ordinance to rezone Parcel No. 08-27-502-017, Parcel No. 08-27-502-025 and Parcel No.

08-27-502-024 from M-2 Manufacturing Heavy District to RSA Residential Suburban Agricultural District.

CLERK MEINBURG MOVED, supported by Treasurer Peck to approve the Second Reading of the amendment to the Zoning Ordinance to rezone Parcel No. 08-27-502-017, Parcel No. 08-27-502-025 and Parcel No. 08-27-502-024 from M-2 Manufacturing Heavy District to RSA Residential Suburban Agricultural District.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Meinburg, Westenbarger, Thorsby, Bain, Peck, Minarik and Willette

NAYS: None

THE MOTION CARRIED UNANIMOUSLY.

- 2. Update Flushing Township User Fees.

CLERK MEINBURG MOVED, supported by Trustee Willette to approve the new updated Flushing Township User Fees.

THE MOTION CARRIED UNANIMOUSLY.

CHARTER TOWNSHIP OF FLUSHING

USER FEES BOARD APPROVED NOVEMBER 4, 2021

COMMERCIAL SITE PLAN REVIEW	\$650.00
FENCE PERMIT	\$50.00
DOG KENNEL PERMIT	\$100.00
SIGN PERMIT (COMMERCIAL)	\$100.00
SIGN PERMIT (RESIDENTIAL)	\$50.00
PEDDLERS PERMIT(6MONTH)	\$150.00
LAND COMBINATION (COMMERCIAL)	\$300.00
LAND DIVISION (COMMERCIAL)	\$300.00
LAND COMBINATION (RESIDENTIAL)	\$50.00
LAND DIVISION (RESIDENTIAL)	\$100.00

HOME OCCUPATION PERMIT (HOME BUSINESS)	\$100.00
HOME OCCUPATION MEDICAL CAREGIVER PERMIT	\$250.00
HOME OCCUPATION MEDICAL CAREGIVER PERMIT RENEWAL	\$50.00
EARTH REMOVAL PERMIT (PLUS BOND WHERE NEEDED)	\$100.00
EARTH REMOVAL RENEWAL PERMIT	\$50.00
ZONING BOARD OF APPEALS VARIANCE & MEETING (RESIDENTIAL)	\$500.00
ZONING BOARD OF APPEALS VARIANCE & MEETING (COMMERCIAL)	\$650.00
ZONING BOARD OF APPEALS SPECIAL MEETING (RESIDENTIAL)	\$600.00
ZONING BOARD OF APPEALS SPECIAL MEETING (COMMERCIAL)	\$800.00
PLANNING COMMISSION SPECIAL MEETING	\$750.00
SPECIAL USE REQUEST PERMIT	\$300.00
CODE OF ORDINANCES	*FOIA
ZONING ORDINANCES NOTEBOOK (8.5X11)	*FOIA
ZONING COPIES OF UPDATES (1 TO 5 COPIES)	*FOIA
ZONING MAP 11"X17"	*FOIA
MASTER PLAN NOTEBOOK	*FOIA
VOTERS REGISTRATION LIST (PAPER COPY)	*FOIA
PHOTO COPY	*FOIA

POND (MINIMUM 2 ACRE LOT, ZONED RSA)	\$650.00
-REQUIRES ENGINEERED DRAWINGS	
-SPECIAL USE PERMIT (INCLUDES SITE PLAN REVIEW)	
-GOES TO PLANNING COMMISSION FOR APPROVAL	
*PLUS \$7500 BOND	

REZONING PERMIT (REQUESTING COMMERCIAL OR INDUSTRIAL)	\$950.00
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-ATTEND PLANNING COMMISSION FOR PUBLIC HEARING	
-COMMERCIAL SITE PLAN REVIEW	\$650.00
-2ND PLANNING COMMISSION FOR POSSIBLE APPROVAL	
-ATTEND BOARD OF TRUSTEES FOR APPROVAL OF REZONING	
TOTAL	
COST	\$1,600.00

REZONING PERMIT (REQUESTING RESIDENTIAL)	\$350.00
-ATTEND PLANNING COMMISSION FOR PUBLIC HEARING	
-2ND PLANNING COMMISSION FOR POSSIBLE APPROVAL	
-ATTEND BOARD OF TRUSTEES FOR APPROVAL	
TOTAL	
COST	\$350.00

***Per Freedom of Information Requirements**
All Bonds and/or addtl. Planning fees set by Planning Commission
***Plus amounts paid for review by engineers, architects or other professionals as deemed appropriate by the Planning Commission**

3. Closed session for tentative Township Employee Union Contract.

CLERK MEINBURG MOVED, supported by Treasurer Peck to go into closed session for discussion of tentative Township Employee Union Contract at **7:12 P.M.**

THE MOTION CARRIED UNANIMOUSLY.

CLERK MEINBURG MOVED, supported by Treasurer Peck to reopen regular meeting at **7:52 P.M.**

THE MOTION CARRIED UNANIMOUSLY.

4. Motion regarding Township Employee Union Contract.

CLERK MEINBURG MOVED, supported by Treasurer Peck to approve the Township Employee Union Contract with the following amended language to Section 17:10 – Post Retirement Health Insurance.

Section 17:10 – Post Retirement Health Insurance

An employee who satisfies the age and years of service requirements for retirement and who actually retires shall be entitled, at the employee's election, to continue, from the date of retirement until the retiring employee reaches age 65, reaches the earlier of the applicable Medicare eligibility or age 65, as a participant under the existing employee health insurance program (plan coverage) maintained by Employer, as in effect at the time of employee's retirement. The retiring employee shall pay any costs allocated to employees under the plan coverage. In the event Employer changes plan coverage (a replacement plan) from time to time, the retiring employee shall be eligible to participate under the replacement plan, to the same extent provided non-retired employees. However, to the extent the retiring employee's coverage at retirement includes a spouse (or partner) or dependents, coverage is limited to that particular spouse (or partner) and dependents, who qualify under the replacement plan, and were covered at the time of retirement.

In the event a retired employee does not elect plan coverage upon retirement, for the reason the retiring employee is a participant or beneficiary of a health insurance plan or program maintained by retiring employee's spouse or partner, and at some time after retirement, the retiring employee elects plan coverage, the retiring employee shall be entitled to participate in the replacement plan coverage, at the next enrollment date applicable to the replacement plan under the terms and conditions set forth above.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peck, Bain, Meinburg, Thorsby, Westenbarger and Willette

NAYS: Minarik

THE MOTION CARRIED.

5. Motion to approve Working Deputy clerk wage.

After a brief discussion, the following motion was made.

CLERK MEINBURG MOVED, supported by Treasurer Peck to approve the Working Deputy clerk wage increase from \$14.50 an hour to \$18.00 an hour.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Meinburg, Willette, Bain, Peck, Westenbarger and Thorsby

NAYS: Minarik

THE MOTION CARRIED.

6. Compensation Committee update.

Treasurer Peck gave a brief synopsis of what was given to the Compensation Committee for review in evaluating the salaries of the township officials. There was a brief discussion regarding the decision of the Compensation Committee.

7. Motion to approve update to the Police Policy and Procedure Manual.

Chief Bolin explained that the updates are needed due to the state law now recognizing a 17-year-old as a minor within the criminal justice system.

TREASURER PECK MOVED, supported by Clerk Meinburg to update the Police Policy and Procedure Manual.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peck, Minarik, Willette, Bain, Westenbarger, Thorsby and Meinburg

NAYS: None

THE MOTION CARRIED UNANIMOUSLY.

The changes (**in bold text**) to be made in the Police Policy and Procedure Manual are as follows:

TO ESTABLISH PROCEDURES FOR THE OPERATION OF THE SCHOOL RESOURCE OFFICER PROGRAM:

13.2 DEFINITIONS

- A. JUVENILE IN ACCORDANCE WITH MICHIGAN LAW, A JUVENILE IS ANY INDIVIDUAL UNDER THE AGE OF **EIGHTEEN (18)**.
- B. PERSON IN CUSTODY; A PERSON WHO IS IN THE CONTROL OR PROTECTION OF THE DEPARTMENT AND IS AT ANY TIME HELD SECURED AND/OR UNATTENDED.
- C. SCHOOL RESOURCE OFFICER MEANS A CERTIFIED POLICE OFFICER ASSIGNED TO WORK IN A SCHOOL SETTING AS PART OF THEIR DUTIES.
- D. SCHOOL EVENT; ANY ACTIVITY, REGARDLESS OF LOCATION, THAT IS SPONSORED OR SANCTIONED BY THE PUBLIC, PRIVATE, DENOMINATIONAL OR PAROCHIAL SCHOOL THAT HAS AUTHORITY OVER THE STUDENT.
- E. SCHOOL PROPERTY; AS DEFINED IN SECTION 7410 OF THE PUBLIC HEALTH CODE, PA ACT 368, MCL 333.7410, MEANS A BUILDING, PLAYING FIELD, OR PROPERTY USED FOR SCHOOL PURPOSES TO IMPART INSTRUCTION TO CHILDREN IN GRADES KINDERGARTEN THROUGH 12, WHEN PROVIDED BY

A PUBLIC, PRIVATE, DENOMINATIONAL OR PAROCHIAL SCHOOL, EXCEPT THOSE BUILDINGS USED PRIMARILY FOR ADULT EDUCATION OR COLLEGE EXTENSION COURSES.

- F. STUDENT; ANY PERSON ENROLLED IN AN EDUCATIONAL PROGRAM AFFILIATED WITH A PUBLIC, PRIVATE, DENOMINATIONAL OR PAROCHIAL SCHOOL.

13.6 IN CUSTODY SITUATIONS

- A. AS SOON AS IT IS PRACTICAL, THE SCHOOL RESOURCE OFFICER WILL NOTIFY THE APPROPRIATE SCHOOL AUTHORITY IF A STUDENT UNDER THE SCHOOL'S CONTROL IS TAKEN INTO CUSTODY.
- B. THE PARENT, GUARDIAN OR CUSTODIAN OF A DETAINED JUVENILE OFFENDER MUST BE NOTIFIED BY THE SCHOOL RESOURCE OFFICER OF ANY CHARGES AND APPEARANCE REQUIREMENTS PRIOR TO THE JUVENILE'S RELEASE. TRAFFIC OFFENSES OR NON-CRIMINAL ACTIVITY ARE THE ONLY EXCEPTIONS.
- C. THE SCHOOL RESOURCE OFFICER IS TO FOLLOW DEPARTMENT POLICY DURING ALL INVESTIGATIONS. JUVENILE STATUS OFFENDERS OR ABUSE OR NEGLECT VICTIMS WILL NOT BE PLACED IN DETENTION AND WILL BE TRANSPORTED TO THE DEPARTMENT FOR DISPOSITION AS NECESSARY.
- D. A JUVENILE OFFENDER TAKEN INTO CUSTODY WILL BE HELD AND SECURED AS REQUIRED BY DEPARTMENT POLICY UNTIL RELEASE CAN BE ARRANGED.
- E. A STUDENT WHO IS OF ADULT AGE (18 YEARS OF AGE OR ABOVE) AND IS ARRESTED OR TAKEN INTO CUSTODY AND IS NOT GOING TO BE CITED AND RELEASED, WILL BE TRANSPORTED TO THE DEPARTMENT AND PROCESSED.

- 8. Motion to approve Resolution 21-16, A RESOLUTION FOR MERS WAIVER FOR RETIREMENT FUNDING.

CLERK MEINBURG MOVED, supported by Trustee Willette to approve Resolution 21-16, A RESOLUTION FOR MERS WAIVER FOR RETIREMENT FUNDING.

Supervisor Thorsby explained the state required the resolution due to the fundedness of the township MERS accounts.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peck, Meinburg, Minarik, Bain, Willette, Westenbarger and Thorsby

NAYS: None

THE MOTION CARRIED UNANIMOUSLY.

CHARTER TOWNSHIP OF FLUSHING

GENESEE COUNTY, MICHIGAN

RESOLUTION NO. 21-16

A RESOLUTION AUTHORIZING SUBMISSION OF AN
APPLICATION FOR WAIVER REGARDING POSSIBLE
UNDERFUNDED DEFINED BENEFIT PENSION PLAN

WHEREAS, the Municipal Employees' Retirement System (MERS) performed an actuarial audit with respect to the Defined Benefit Pension Plan maintained by the Charter Township of Flushing for the benefit of certain active and retired nonpolice employees (the Plan); and,

WHEREAS, the actuarial audit indicates the Plan, as of the end of the March 31, 2021, fiscal year, is less than 60% funded and the actuarially determined contribution (ADC) for the Plan is less than 10% of the Township's annual fund revenues; and,

WHEREAS, the actuarial audit has been submitted to the Michigan Treasurer, pursuant to PA 2002 of 2017, and requires response from the Township; and,

WHEREAS, in reviewing the actuarial audit with MERS, the Township learned the fact the Township, by collective bargaining agreement with the Plan covered employees, has transitioned to a defined contribution retirement plan for newly hired employees covered by the collective bargaining agreement, and this fact was not taken into account in the performance of the actuarial audit; and,

WHEREAS, taking into account the transition to a defined contribution plan for newly hired employees may affect the results of the actuarial audit to the extent the Plan may be 60%, or more, funded; and,

WHEREAS, the Township believes it may be eligible for a waiver under the procedures provided for by PA 207; and,

WHEREAS, a request for a waiver must be approved by the Township's governing body;

IT IS HEREBY RESOLVED

1. The Township shall submit an "Application for Waiver" with a certified copy of this Resolution attached.

2. The second and fifth boxes in the General Section of the Application shall be checked; a written explanation attached; and

3. Supervisor, FrederickThorsby, is authorized to sign the Application on behalf of the Township and shall submit the Application to the state of Michigan as directed therein and provide any additional information or take other action reasonably required with respect thereto.

YES:

NO:

ABSENT:

THE RESOLUTION IS DECLARED _____ ADOPTED _____ NOT ADOPTED

Passed and approved by the Charter Township of Flushing Board of Trustees, on the _____ day of _____, 2021.

Dated:

Frederick Thorsby

Flushing Township Supervisor

Dated:

Wendy D. Meinburg

Flushing Township Clerk

9. Discussion of generator for Township Office.

After a brief discussion, it was agreed that more information would be helpful. Part of the ARPA (American Rescue Plan Act) funds should be received near the end of November 2021 and the generator would fit under the criteria of covered items. Generators are in short supply and will take months to come in for installation. Treasurer Peck suggested having representatives from each company come to the December Board Meeting to explain their products.

VI. REPORTS:

1. Supervisor's Report – Supervisor
Monthly Building Report
Monthly Code Enforcement Report
Fire Department Report

Supervisor Thorsby discussed the ARPA funds and some of the ways they can be used. Some of those include employee bonuses, the hiring of additional staff, revenue loss, and parks and recreation. The list is being updated all the time. Supervisor Thorsby also reported about sewer expenses and how the county is going to be raising the sewer rates. The raise in sewer rates and handling fees will be discussed at the December Board Meeting.

2. Clerk's Report – Clerk

Clerk Meinburg recognized the Compensation Committee for their hard work and volunteering of their time to help in determining wages. Clerk Meinburg also thanked the Board for supporting the staff and employees.

3. Treasurer's Report – Treasurer
Water Report

Treasurer Peck reported that Allocation Committee, which approves all the requests for grants within the county, encourages the township to ask for more money under qualifying programs.

4. Flushing Township Police Department – Chief Bolin

Chief Bolin reported that October's statistics will be available next month. Chief Bolin also reported that an officer resigned, and the department is in the process of trying to fill that position. He will keep the Board updated.

VII. PUBLIC COMMENTS

OPEN FOR PUBLIC COMMENTS: 8:56 P.M.

No comments made.

CLOSED FOR PUBLIC COMMENTS: 8:57 P.M.

VIII. BOARD COMMENTS:

Trustee Minarik commented there is a county drain near Duffield Rd. north of Carpenter Rd. that needs to be cleaned out. She spoke to the Genesee County Drain Commission and they are working on a proposal to submit to the township to be reviewed by the Board. Trustee Minarik also provided a list of the corners within the township in need of tree trimming for increased visibility and safety at intersections. These include Dillon Rd. and Pierson Rd., Duffield Rd. and Pierson Rd., Duffield Rd. and Carpenter Rd., Dillon Rd. and Coldwater Rd., and the railroad tracks at Stanley Rd. Supervisor Thorsby will inform Genesee County Road Commission about these areas of concern.

Trustee Willette reported that the MTA conference was great.

IX. NEXT REGULAR MEETING: December 9, 2021

X. ADJOURNMENT

TRUSTEE WESTENBARGER MOVED, supported by Trustee Minarik to adjourn the meeting at 9:07 P.M.

THE MOTION CARRIED UNANIMOUSLY.

WENDY D. MEINBURG, Clerk

FREDERICK R. THORSBY, Supervisor

APPROVED DATE _____

RECORDING SECRETARY: Mandy Hemingway, Deputy Clerk
11/4/2021