

CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
BOARD OF TRUSTEES MEETING
DATE: JULY 8, 2004 **TIME: 7:00 P.M.**
PHONE: 810-659-0800 **FAX 810-659-4212**
WEB PAGE: <http://www.flushingtowship.com>

ADMINISTRATION MEMBERS

SUPERVISOR: Andrew Trotogot
CLERK: Julia A. Morford
TREASURER: Carl G. Liepmann

TRUSTEES

Ronald R. Flowers
Ann L. Fotenakes
Michael S. Gardner
Ida M. Reed

TOWNSHIP ATTORNEYS:

John Siler and Steven Moulton
Bellairs, Dean, Cooley,
Siler, Moulton & Smith

CLERK MORFORD opened the Board Meeting at 7:00 p.m. with roll call and the Pledge to the American Flag.

ROLL CALL: Trotogot, Morford, Liepmann, Flowers, Fotenakes, Gardner, Reed, and Attorney Moulton

MEMBERS ABSENT: Trotogot

OTHERS PRESENT: Ted Breidenstein, Thomas Shumaker, Harold Draheim, Pat Drozdowski, and Bonnie Martinson

In the absence of **SUPERVISOR TROTOGOT**, **REED MOVED**, seconded by Fotenakes to appoint Carl Leipmann as the Acting Chairperson for the meeting. **MOTION CARRIED.**

ADOPTION OF THE AGENDA: FLOWERS MOVED, seconded by Reed to adopt the Agenda as presented. **MOTION CARRIED.**

LIEPMANN requested permission to remove from the current Agenda, and placed on the August 12, 2004 Regular Board Meeting Agenda, the following: **1)** listed under Unfinished Business, number 1, Ditching Projects being Completed; **2)** listed under New Business, number 3, section b, Wainscoting for the lower half of the walls in the Board Room; **3)** listed under New Business, number 6, section 6, Code Enforcement Officer. **LIEPMANN** requested permission to add to the Agenda, listed under New Business, number 6, Attendance of Seminars for the Assessor.

AMENDMENT TO THE ADOPTION OF THE AGENDA: FLOWERS MOVED, seconded by Reed to reflect the removal from the Agenda: 1) listed under Unfinished Business, the Ditching Projects; 2) listed under New Business, the removal of the Wainscoting of the lower half of the walls in the Board Room, and 3) the Code Enforcement Officer and the addition of New Business, number 6, Attendance of Assessor's Seminars. **MOTION CARRIED.**

APPROVAL OF MINUTES:

1. APPROVAL OF MINUTES OF MAY 13, 2004: REED MOVED, seconded by Fotenakes to approve the minutes of May 13, 2004 with corrections:

Page 3, paragraph 3, line 4, "Enright stated it would...to complete the inventory" **changed to** "Enright stated it would take two (2) to three (3) months to complete the inventory." Item No. 5, Mass Transportation Authority Millage Proposal, line 1, "Trotoгот stated that...on the June 14, 2004 ballot" **changed to** "Trotoгот stated that Mass Transportation Authority (MTA) would like the Township to support their request for a proposed millage on the June 14, 2004 ballot." **MOTION CARRIED.**

2. APPROVAL OF MINUTES OF JUNE 2, 2004: GARDNER
MOVED, seconded by Flowers to approve the minutes of the Special Board of Trustees Meeting on June 2, 2004 as presented. **MOTION CARRIED.**

APPROVAL OF BILLS: FOTENAKES MOVED, seconded by Morford to pay the bills as presented.

ROLL CALL VOTE:

AYES: Flowers, Fotenakes, Gardner, Liepmann, Morford, and Reed,

NAYS: 0 **MOTION CARRIED.**

ABSENT: Trogot

RECOGNITION OF CANDIDATES FOR THE 2004 AUGUST PRIMARY:

LIEPMANN recognized the 2004 August Primary Candidates who were in the audience and consisted of: Thomas Schumaker, Trustee; Patricia Drozdowski, Trustee and Bonnie Martinson, Clerk. **LIEPMANN** also stated that everyone on the current Board of Trustees was also a Candidate for the 2004 Primary Election.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

1. Appointment of Megen Fischer as Deputy Clerk

LIEPMANN stated the Clerk has recommended that Megen Fischer (Fischer) be appointed the Deputy Clerk for Flushing Township. After a discussion with the Supervisor, Clerk, and Treasurer it was recommended that Fischer be paid \$600, at present, until her probation period has been completed and then return to the Board of Trustees for further consideration of wages. **FLOWERS MOVED**, seconded by Morford to approve Megen Fischer as the Deputy Clerk at a pay wage of \$600.00.

ROLL CALL VOTE:

AYES: Fotenakes, Gardner, Liepmann, Reed, Flowers, and Morford

NAYS: 0 **MOTION CARRIED.**

ABSENT: Trogot

FOTENAKES wanted to know if Fischer had fulfilled her current position as Receptionist/Voter Registrar as proposed. **REED** stated that the duties for the Deputy Clerk would be very heavy for the next few months due to the Primary Election on August 3, 2004. **GARDNER** inquired as to what the duties consisted of for the Deputy Clerk. The Deputy Clerk has always received an extra pay wage. **GARDNER** was concerned about the “double dipping” status. **LIEPMANN** referred to the responsibility as double duty.

2. First Reading of the MIP Ordinance (Minor In Possession Ordinance No. 56-A-95) for the Flushing Township Police Department

ATTORNEY MOULTON stated the Ordinance MIP (Minor In Possession) which is intended to control the purchase, consumption, and possession of alcohol by minors and is defined in the statute as someone less than 21 years of age. The existing ordinance is based on a State Statute which was recently amended and completely restated by the Legislature. Rather than try to piece through the existing ordinance to pick up the changes in the State Statute, it is much easier to amend and restate the Township’s purposed MIP Ordinance. The ordinance would track the exact new language of the State Statute; the material changes in the Statute are: **1)** to make a 93 day misdemeanor of the offence of using a fraudulent identification to use alcohol or to furnish such fraudulent identification to minors so that he or she can use it. A 93 day misdemeanor triggers the fingerprinting requirements in the misdemeanor which has a maximum penalty of more than 92 days, triggers the requirement that fingerprints can take, and eventually places them in the national data bank. **2)** There would be an informal procedure to resolve, only for first time offenders, a charge with an MIP to resolve the offences in a manner which would not result in any criminal record. The Statute

currently incorporates and sets out a procedure to do the process as part of the Statute. The procedure, the various Courts have devised over the past couple of years to the existing law are different and are simply off to the side and are not specifically authorized by the Statute. It would be in the Township's best interest to track the current State Law and the purpose of the proposed Ordinance would be to follow through with law.

FOTENAKES MOVED, seconded by Reed to approve the Amendment to the MIP Ordinance as recommended by Attorney Steve Moulton. MOTION CARRIED.

The second reading of the MIP Ordinance will be held August 12, 2004.

3. Consideration of New Items for the Board Room:

A. 30" x 72" Lightweight Resin Folding Tables

LIEPMANN stated different quotes had been received from various companies for the particular size tables; there has appeared to be different weights of tables. Permission is being requested to purchase the tables but to further review the quality and price of the tables. The number of tables needed would be between 12 and 16 tables which would total approximately \$1,200.00. **FOTENAKES** recommended the Clerk check on the price and quality of round tables also; some of the office supply companies have the ability to design a layout showing how many tables would fit into the Board Room. The purchase of the tables would come out of the "Rental Hall" budget. **LIEPMANN** stated the hall rental for 2004 would be approximately \$5,000.00; for the year 2003, \$4,800.00 had been received for the rental of the hall.

REED recommended selling the current tables since they were purchased at different times and are different sizes; **LIEPMANN** recommended selling the tables for \$20.00 each. The current chairs would not be replaced. **GARDNER** recommended checking out all the information as to sizes, price, placement, etc. and return to the August 12th Board of Trustees Meeting for a determination. A motion was not received.

The matter of wainscoting for the lower half of the walls in the Board Room would be on placed on the Agenda for August.

4. Consideration of Interlocal Public Agency Agreement with City of Flushing and Clayton Township for the Senior Center (A copy of the Agreement had been received prior to the Meeting)

LIEPMANN stated there are three (3) things that need to be determined:

- the Flushing Senior Center (Senior Center) membership would approve the Agreement and if they do:
- the City of Flushing would appoint five (5) directors, the Charter Township of Flushing would appoint three (3) directors, and the Charter Township of Clayton would appoint one (1) director based on the number of individuals from each municipality that participates in the Senior Center.
- the Senior Center would have accountability to each of the municipalities, which the three (3) municipalities have not been privy as to how the funds for the Center are and have been spent.

The Charter Township of Flushing's contribution to the Senior Center would be increased by \$3,600.00; the \$8,000.00 budgeted would be to maintain the building; the contribution of \$2,076.00 would be for gasoline for the van, which would be a different situation.

QUESTIONS AND CONCERNS:

1. **REED** – "could the \$3,600.00 be paid out of Community Development Block Grant (CDBG) funds?" Per **LIEPMANN** "no" since the money would be for operations. CDBG funds could only be used for tangible objects.
2. **FOTENAKES** – "when would the final agreement be presented to the Board of Trustees." **LIEPMANN** stated at first all three (3) entities would have to approve the Agreement then the Flushing Senior Center would have to approve the Agreement, as the Constitution of the Senior Center would be changed.

FLOWERS stated the Senior Center Board of Directors has been reduced from fourteen (14) members to nine (9) members.

- 3. **FOTENAKES** – “if the number of Flushing Township residents increased at the Center, would the \$3,600.00 remain the same for the next five (5) years.” **REED** inquired as to Page 2, letter B of the Interlocal Public Agency Agreement which stated:

B. Directors may enter into contracts, employ employees, acquire property, incur debt within its budget and allocate its funds as necessary for the operation of the Corporation.

- 4. **FLOWERS** – “other things are involved in the Agreement. The City of Flushing owns the building that houses the Flushing Senior Center Complex, who has a contract with the City of Flushing.” **FOTENAKES** stated she thought the City of Flushing wanted to remove the Library from the Center and have the whole building strictly for seniors. **FLOWERS** said the City of Flushing was undergoing major changes and buildings would be opening up in the future; a new location for the Senior Center is being review.
- 5. **FOTENAKES** – “would the Directors have the authority to come back to the Board of Trustees for approval or would they be on their own.” The Directors would be on their own for the \$3,600.00. If there should be land available, the matter would have to come back before the Board of Trustees. **GARDNER** stated the way that he understood the situation was the Senior Center Board of Directors would not have to come back to the Board of Trustees for money increases, but once the \$3,600.00 has been given to the Directors, they would have the right to do whatever.
- 6. **FOTENAKES** – “wanted to know the number of Flushing Township seniors that used the Flushing Senior Center.” **FLOWERS** stated there were between 300 and 400 Flushing Township residents; 900 residents in the City of Flushing; and 120 residents from Clayton Township.
- 7. **GARDNER** – “mentioned the township has already budgeted \$8,000.00 plus \$2,000.00 for the gasoline for the van, what would be the reason for suddenly putting the \$3,600.00 into the Senior Center.” **LIEPMANN** stated he thought there were budgetary problems and it was the emphasis to allow the city and the townships to come in and set up the Board and to make the organization non profit.
- 8. **GARDNER** – “recommended lowering the budget for maintenance for the Senior Center by \$3,600.00.” **LIEPMANN** stated that if the Township lowered the budget, we would be unable to honor our obligations to the Center. The money would not be going to the seniors themselves but to the Senior Center Library/Annex since Flushing Township owns fifty (50%) percent of the Building which was purchased in 1988 with the City of Flushing; the agreement being Flushing Township would pay their (Flushing Township) portion of the upkeep. **LIEPMANN** stated the Board of Trustees was approving spending the money for the concept of the contract.
- 9. **LIEPMANN** – “Agreement would only be a contract to participate in the amount of \$3,600.00 with the right to appoint three (3) members to the Board of Directors; there would be a six-month clause notice to the end of the Corporation’s fiscal year.”

ATTORNEY MOULTON stated the contract could be stated more clearly as far as \$3,600.00 per year or for a five (5) year period mentioned page 3, section B, Support which states:

“The parties may agree to change the amounts, as provided above, to the Corporation from year to year, as needed.”

City of Flushing \$6,000.00
 Charter Township of Flushing \$3,600.00
 Charter Township of Clayton \$1,200.00

ATTORNEY MOULTON stated the obligation of Flushing Township under the contract would be to contribute \$3,600.00 per year for the next five (5) years. All that Flushing Township would be agreeing with in the contract would be: 1) to set up the Corporation and the immediate funding obligation would be \$3,600 for the next five (5) years. Once the money has been paid over, the Directors of the Non-Profit would decide the use of the money. The Directors might decide a year from now they needed more money, they may request the Agreement be changed so that each of the three (3) contributors would pay more, but it would be the decision of the three (3) contributors to make the change. The other two contributors, Clayton Township and the City of Flushing could not, on their own, in face of the opposition of Flushing Township, state the contribution would be \$10,000 a year; it is a contract, all three (3) parties must agree to the change.

FLOWERS MOVED, seconded by Reed to approve the concept of the contract for the Interlocal Public Agency Agreement with the City of Flushing and Clayton Township based on the funds for the five (5) year contract with renewal every year after; there would not be an agreement without the approval of all three (3) entities; the contract to be signed at a later date.

ROLL CALL VOTE:

AYES: Gardner, Liepmann, Morford, Reed, Flowers, and Fotenakes,

NAYS: 0 MOTION CARRIED.

ABSENT: Trotogot

5. Consideration of New Copying Machine (Current Machine is Leased)

LIEPMANN stated the current copying machine lease with Albin Business Machines and Genesee County, has started to be more of a problem that it is worth. For a new five (5) year lease agreement with Albin Business Machines, the monthly lease amount would be \$181.00 which would include maintenance, supplies, etc. **MORFORD** stated the new leased machine would be faster, an updated version and would eliminate the current problems. **FOTENAKES** inquired if \$181.00 would include the toner? **MORFORD** stated the toner and the meter charge per month would be extra. (**MORFORD** will check on the toner charge). **LIEPMANN** stated the township would be billed in arrears of \$.008 cents per copy. **REED MOVED**, seconded by Fotenakes to renew the contract with Albin Business Machines for the lease of a new copying machine at a cost of \$181.00 per month.

ROLL CALL VOTE:

AYES: Liepmann, Morford, Reed, Flowers, Fotenakes, and Gardner

NAYS: 0 MOTION CARRIED.

ABSENT: Trotogot

6. Seminars for the Assessor

DENNIS JUDSON, Flushing Township Assessor, has requested permission to attend three (3) educational assessing seminars, seeking Level 5 certification, for a total of \$450.00 for the three (3) classes. Dates, locations, and prices are as follows:

- 1) September 8-10, 2004 – Novi, Michigan - \$84.00 per night for two (2) nights
- 2) September 22-24, 2004 – Grand Rapids, Michigan - \$94.00 per night for two (2) nights
- 3) October 13-15, 2004 – Gaylord, Michigan – hotel to be taken

FOTENAKES MOVED, seconded by Reed to allow the Assessor to continue with educational seminars at a total of \$450.00 for the registration fee for the classes plus his (Judson) accommodations.

ROLL CALL VOTE:

AYES: Morford, Reed, Flowers, Fotenakes, Gardner and Liepmann

NAYS: 0 MOTION CARRIED.

ABSENT: Trotogot

COMMITTEE REPORTS:**1. Concerts in the Park**

FOTENAKES stated there had been a few *Concerts in the Park*; everything is going very well. It was decided to send "Thank You" cards and bills out immediately; Everything has been paid except for two (2) concerts. Great response has been received from the community!

2. Flushing Senior Center

FLOWERS stated that Karen Popovits, Director of the Flushing Senior Center, has been doing a great job. There would be a continuation of all scheduled events such as the Rummage Sale scheduled for September 9-11, 2004, from 9:00 a.m. until 4:00 p.m; the Flushing Follies, which will have a *1940's Radio Theme*, scheduled for Friday, October 15th at 7:30 p.m. and Saturday, October 16th at 2:00 p.m. and 7:30 p.m. The Annual Meeting of the Senior Center has been scheduled for August 10, 2004; lunch will be held at Riverview Park, Flushing, and will consist of hot dogs, etc. at a cost of \$2.00 per person.

3. Genesee County Metropolitan Alliance

FLOWERS stated the Genesee County Metropolitan Alliance Meeting scheduled for July has been cancelled.

4. Parks and Recreation Committee

LIEPMANN stated the Parks and Recreation Committee, at their recent meeting, continued working on the long-range Master Plan. Flushing Nature Park employees have cleaned the lower area around the pond located between the Flint River and the upper portion of the Park to make it easier to get to the pond. The Committee approved Eagle Scout projects such as more benches and picnic tables.

TOM ENRIGHT, Nature Park Manager, has held three (3) or four (4) night hikes; an unexpected Screech Owl was a visitor at one (1) of the night hikes. **ENRIGHT** plans to continue working on identifying all the flowers, insects, etc. in the Park; sometime in the near future, there should be a complete listing of every item in the park.

The next Parks and Recreation Committee Meeting has been scheduled for August 10, 2004.

REPORTS:

1. Treasurer's Report – FOTENAKES MOVED, seconded by Flowers to accept the Treasurer's Report. MOTION CARRIED.

2. Building Inspector's Report – FOTENAKES MOVED, seconded by Flowers to accept the Building Inspector's Report for the months of May and June 2004. MOTION CARRIED.

(A) BUILDING PERMITS ISSUED FOR MAY 2004:

NEW HOMES	9
ACCESSORY BUILDINGS	3
DECKS	2
REMODELING	0
ADDITIONS	4
GARAGES	1
FENCE PERMITS	1
ROOF REPAIR	0
POOL	0
COMMERCIAL	0
SIGN	0

TOTAL PERMITS ISSUED	20
PERMIT VALUATION FOR MAY 2003	\$ 2,022,843
PERMIT VALUATION FOR MAY 2004	1,574,438
PERMIT FEES COLLECTED FOR MAY 2004	\$ 7,966
TRAILER INSPECTIONS (5)	250
TRASH AND RECYCLING CHARGES	0
SPECIAL USE PERMIT (2)	70
HOME OCCUPATION PERMIT	0
EARTH REMOVAL PERMIT	0
VARIANCE REQUEST	0
REZONING REQUEST	0
CODE BOOKS	0
FOR A TOTAL OF	\$ 8,286
CONSTRUCTION TO DATE MAY 2003	5,719,941
CONSTRUCTION TO DATE MAY 2004	3,118,171
FOR A DECREASE OF	\$ 2,601,770

(B) BUILDING PERMITS ISSUED FOR JUNE 2004:

NEW HOMES	13
ACCESSORY BUILDINGS	5
DECKS	1
REMODELING	1
ADDITIONS	5
GARAGES	3
FENCE PERMITS	2
ROOF REPAIR	0
POOL	0
COMMERCIAL	0
SIGN	0
TOTAL PERMITS ISSUED	30
PERMIT VALUATION FOR JUNE 2003	\$ 993,030
PERMIT VALUATION FOR JUNE 2004	2,599,469
PERMIT FEES COLLECTED FOR JUNE 2004	\$ 13,101
TRAILER INSPECTIONS (5)	250
TRASH AND RECYCLING CHARGES	0
SPECIAL USE PERMIT (2)	0
HOME OCCUPATION PERMIT	0
EARTH REMOVAL PERMIT	0
VARIANCE REQUEST	0
REZONING REQUEST	0
CODE BOOKS	0

FOR A TOTAL OF	\$ 13,351
CONSTRUCTION TO DATE JUNE 2003	6,712,971
CONSTRUCTION TO DATE JUNE 2004	5,717,640
FOR A DECREASE OF	\$ 995,331

8:05 – OPEN TO PUBLIC COMMENTS:

1. **Ted Breidenstein, 7320 Gillette Road, Flushing** – “wanted to know what was taking place in the Aspen Meadows Subdivision on Gillette Road.”
2. **Harold Draheim, Sr., 10187 W. Coldwater Road, Flushing** – “wanted to know what was going to happen to the ponies next door to his home.”

8:10 P.M. – CLOSED TO PUBLIC COMMENTS

BOARD COMMENTS:

1. Groups of Runners, Bikers

FOTENAKES wanted to know if any information had been received concerning runners/ and bicyclists traveling in the township. The procedure has normally been a courtesy to keep the Township informed. **LIEPMANN** stated that he would contact John Gault, who handles the races in the area, to get an update.

2. Semi Trailer Located on Johnson Road

FOTENAKES wanted to know the status of a semi-trailer on Johnson Road. **LIEPMANN** stated new people have purchased the property which has not been in compliance; **ATTORNEY MOULTON** stated that before a building permit could be issued, the property would have to be in compliance not only with the requirements for the building permit but all other zoning ordinances. A list of violations would be obtained from Code Enforcement Officer Brian Fairchild. It was tentatively agreed upon by **ATTORNEY MOULTON** and **JERRY FITCH (FITCH)**, Flushing Township Building Inspector, that **FITCH** would issue the building permit provided the owner signs an agreement that before issuance of the occupancy permit, he would have all the existing violations corrected. The building permit would be good for one (1) year; the proposed buyer would like to move in within four (4) to six (6) months.

THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, AUGUST 12, 2004 7:00 P.M.

ADJOURNMENT: There being no further business matters, Acting Vice Chairperson Carl Liepmann adjourned the meeting at 8:14 p.m.

 Julia A. Morford, Clerk

 Carl G. Liepmann, Acting Vice Chairperson
 in the absence of Andrew Trogot, Supervisor

APPROVED DATE: _____