

**CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
BOARD OF TRUSTEES**

DATE: APRIL 13, 2006

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

Ann L. Fotenakes

Scott Minaudo

Barry Pratt

Ida M. Reed

TOWNSHIP ATTORNEY:

Steven Moulton of

Cooley Moulton & Smith

Attorneys at Law

ROLL CALL: Trotogot, Liepmann, Morford, Pratt, Fotenakes, Reed, Minaudo, and Attorney Steve Moulton

MEMBERS ABSENT: None

OTHERS PRESENT: 18 interested individuals

MEETING CALLED TO ORDER at 7:00 by **SUPERVISOR TROTOGOT** with roll call and the pledge to the American Flag.

TROTOGOT would like to add to the Agenda as item Number 8, "Coldwater Valley Subdivision represented by Larry Adkins."

ADOPTION OF THE AGENDA: FOTENAKES MOVED, seconded by Pratt to adopt the Agenda with the addition of Number 8 "Coldwater Valley Subdivision represented by Larry Adkins." **MOTION CARRIED.**

APPROVAL OF MINUTES OF MARCH 9, 2006: LIEPMANN MOVED, seconded by Reed to approve the Minutes of March 9, 2006 as presented. **MOTION CARRIED.**

APPROVAL OF BILLS: REED MOVED, seconded by Minaudo to pay the bills as presented. Questions for Discussion: **1)** 2 Statements for Professional Services from Cooley Moulton and Smith; **2)** Floral Arrangement for Richie O'Kelly; **3)** Flushing Township Water Fund – Ron Flowers; **4)** breakdown of credit card costs for Board of Trustees; **5)** Park Expenses

ROLL CALL VOTE:

AYES: Fotenakes, Pratt, Liepmann, Morford, Reed, Minaudo, and Trotogot

NAYS: 0 **MOTION CARRIED.**

UNFINISHED BUSINESS:

1. **Presentation of E-Agenda – A Paperless Agenda for Local Governments – by Neil Roberts, Director of Corporate Development, iCompass Technologies Inc. Ontario Canada**

NEIL ROBERTS (ROBERTS) of iCompass Technologies gave an overall review of iCompass which has been a high tech company out of Canada whose main goal was to substantially lower the cost of local government administration. iCompass does all the government agencies in British Columbia and is partnering with the AMCTO (Association of Municipal Manger, Clerks and Treasurers of Ontario). The organization determined that using the particular software provided a significant amount of efficiency.

SERVICES:

- all the services are delivered over the internet so that if an individual has work to be done at home or if different offices where people are working, people can communicate and work on the same basis.
- The software no longer consists of purchasing a box and sticking it into the computer, but purchasing the software and having someone train the person.
- iCompass is a Microsoft Certified Partner whose focus is only local government – dealing with the administration.
- Consists of round table of Supervisors and Clerks as data to test the products.
- Programs are fine tuned to make sure there are no glitches and they work according to the needs of the local government
- Four (4) products:
 - 1) **E-Agenda** which assists in the creation of the agendas and minutes and makes everything electronic; the distribution of tasks to all the board members.
 - 2) **Action Items** is the task management system. Action items is a highly flexible product but designed for local government for the use of directives and resolutions coming from the Board of Trustees Meeting.
 - 3) **Document Indexing or File Pro** is a full document handling system that would allow control as to who sees what and when. The **File Pro** system is how the information is posted on the web would be linked into the existing web site and it would automatically load everything up so the public has easy access to the information.
 - 4) **Web Page** – the township already has a new web page.
- each product could be bought as a stand-alone piece of software.
- The idea would be to create a paperless society. Ninety-five (95%) percent of the function ability of the

LIEPMANN wanted to know if there was an Agenda Reminder system. **ROBERTS** stated the format consists of all the items going into one large electronic agenda. When the item has been put into the system, it would be labeled as a “regular” board item. All the items, with attachments, would be brought up to the template and moved over into the Agenda. The agendas could be set up in advance so future items could be added; there would be flexibility with the agendas. The templates for each event would be different: Regular Board of Trustees, Planning Commission, and Zoning Board of Appeals.

PROPOSAL TO BE FIRST IN MICHIGAN:

- currently targeting Michigan for people that would step forward and use the software.
- if the municipality liked the product, they would write a letter of recommendation which **ROBERTS** could then charge the normal price for future clients that would be coming into the system.
- if Flushing Township was one of the original five (5) municipalities, there would be a substantial reduction on the price.
- it would take approximately three (3) weeks for the set up system to be completed; this would include the time to work through the Township’s processes to see exactly how the township does their business so the ideas can be mimicked. There would not be any changes in terms of visuals, but simply deal with how the item is processed to make it more efficient.
- the process is uncomplicated, quick to set up, intuitive, simple to use.
 - 1) the personnel are property trained - would take one to one and one half hours.
 - 2) there is a 24/7 service for any questions to be answered or any problems.
 - 3) the annual fees include everything: training, operating enhancements, maintenance. The process charge would consist of coming to the municipality and setting up the system according to the individual system; the municipality is then put on an annual licensing program.

SOFTWARE VERSION AND PRICE:

- all of the software is designed by Sastel, Saskatchewan Telephone, an HP Certifying site, with only six (6) sites in North America.
- the systems are continuously updated. There is a security fire wall (fire protection so when you upload your critical data) so that critical data is in a disaster recovery plan itself.
- the standard pricing for a population the size of Flushing Township would be approximately \$2,500 (Canadian Money) per application with an annual fee of \$1,500 (Canadian Money) to cover all the licensing, data protection, training, and 24/7 support and with the upgrading products.
- **PRATT** wanted to know if the program was adopted and purchased, when would the “early” adopter period turn into standard pricing. **ROBERTS** stated the adopter would be put on a three (3) year contract with the option to renew for an additional three (3) years for the same price.

Thanks for the Presentation by **NEIL ROBERTS!**

NEW BUSINESS:

1. Recommendation from the Planning Commission for Approval of Adoption of the Conditional Rezoning Ordinance

ATTORNEY STEVE MOULTON (ATTORNEY MOULTON) stated that sometime ago, the township received from Michigan Townships Association (MTA) a proposed Model Ordinance with the suggestion that if the township was interested in implementing the recent statutory change allowing conditional zoning, the township should review the Model Ordinance and consider adoption of the Ordinance. Since the ordinance affects the Zoning Ordinance, it was sent to the Planning Commission for their review.

ATTORNEY MOULTON reviewed the ordinance and since it was a straight forward proposed model ordinance from MTA; **ATTORNEY MOULTON** agreed with the Planning Commission and felt the Model Ordinance would be in the best interest of the township to adopt so the township would have a tool to implement conditional zoning if that was appropriate on a case by case basis.

PRATT stated the Planning Commission had discussed the ordinance and felt it would be a valuable tool that could be placed in the “tool box” to use for future specific instances.

ATTORNEY MOULTON stated in the past if the Planning Commission wanted to achieve the same results, the request would be denied; there would be a law suit; and then as part of the lawsuit a Consent Judgment would be entered into tying the property owner to a specific request which had been made. It would be time consuming and very costly. The Conditional Rezoning process would accomplish the same thing. As the Legislators saw township and city after city using the procedure, they decided to implement statutory provisions that would allow the same result without having to go through the process.

ATTORNEY MOULTON stated the township needed the Model Ordinance as part of the Zoning Ordinance so it will be an option available to the township. **PRATT** stated it was a straight forward ordinance.

PRATT MOVED, seconded by Fotenakes to accept the recommendations of the Planning Commission for the Board of Trustees’ approval for the Conditional Rezoning Ordinance as written. **MOTION CARRIED.**

2. Amendment to 2001 Agreement Sewer System (Southern and Northern Loop Section Contract)

LIEPMANN stated the Amendment to the 2001 Agreement Sewer System was actually for the water and sewer system. In 2001, the Board of Trustees approved the lease agreement with the Genesee County Water and Waste as recommended by the Advisory Committee, which **LIEPMANN** is a member.

Over the past four (4) years, there have been only minor changes, other than the price increase. The new price for the water supply for the Southern and Northern Loop Contract will be \$33,000,500. The Sewer Disposal System No. 1, No. 2, No. 5, and No. 6 have been the interceptors going east to the Expressway. The new seventy-two (72) inch sewer line, that is currently under construction, would alleviate the problem the County has been having with insufficient facility to handle all the sewage. The price is \$61,000,000.

The Amendment updates the previous Agreements between the Townships, Cities, and Villages with the Genesee County Water and Waste. (The Board of Trustees previously received a copy of the Agreement).

LIEPMANN MOVED, seconded by Fotenakes, per the recommendation of the Advisory Committee to the Board of Trustees, for approval of the amended contracts for both water and sewer is approved. MOTION CARRIED.

LIEPMANN stated the dollar value for paying for the dollars for the updates would come out of the County CCIF funds (\$1,000 tap-in fee that is charged when a property owner taps into water or sewer).

LIEPMANN stated Mrs. Teeples, Secretary to the Deputy Director, would be bringing the Water/Sewer Contracts to all twenty-five (25) municipalities to be signed.

LIEPMANN MOVED, seconded by Fotenakes to have the Supervisor and Clerk be empowered to sign the contracts when they have been delivered to Flushing Township. MOTION CARRIED.

3. **First Reading of an Ordinance to Amend Section 12-63(3) of the Code of Ordinances to Clarify the Keeping of Recreational Vehicles on Property within the Township**

ATTORNEY MOULTON stated there have been several revisions of the amendment of Section 12-63(3) another amendment is currently before the Board of Trustees. The issue at hand would be a first reading of the amendment to clarify a previous amendment.

The proposed amendment is intended to make clear that the ninety (90) day period with regards to keeping recreational vehicles on a driveway only applies to vehicles stored on driveways. The ability to keep a recreational vehicle in the rear or side yard is indefinite, there are no time limitations. Because of the original wording, there had been an objection and it was felt the wording was not as clear as it should be; the amendment before the Board is a restatement to make clear that the ninety (90) day period applies to recreational vehicles kept on driveways.

Another issue that is not present in the format of the proposed amendment that is before the Board, in the previous ordinance the date of adoption is stated as the 9th day of May, 2006, which obviously is an error and should be the 9th day of March, 2006.

ATTORNEY MOULTON proposed the following language be added to the proposed amendment so that it reads:

“Except as expressly amended, all provisions of Section 12-63 remain unchanged except the date of adoption of the amendments made by Ordinance 54-E-06 such that the date is corrected to March 9, 2006.”

LIEPMANN MOVED, seconded by Fotenakes for approval of first reading of an Ordinance to Amend Section 12-63(3) of the Code of Ordinances to Clarify a Previous Amendment. MOTION CARRIED.

4. **Approval of Attendance at the 7th Annual Michigan Association of Municipal Clerks Conference in Boyne Falls, Michigan on June 21-23, 2006**

MORFORD stated the Michigan Association of Municipal Clerks would be holding their Summer Conference in Boyne Falls, Michigan on June 21-23, 2006 at a cost of

\$200; the cost would be for materials only – lodging would not be necessary.

FOTENAKES MOVED, seconded by Pratt to allow the Clerk to go to the Michigan Association of Municipal Clerks as stated and pay the \$200

ROLL CALL VOTE:

AYES: Liepmann, Pratt, Minaudo, Fotenakes, Reed, Morford, and Trotogot

NAYS: 0 MOTION CARRIED.

5. Approval for Fireworks Display Permits – Mark Matthews, 7477 W. Coldwater Road, Flushing, Michigan

TROTOGOT stated there had been a question about having firework displays in the township. **TROTOGOT** stated the township did not have liability insurance to cover an event such as stated; insurance coverage had to be obtained by Mr. Mark Matthews (Mr. Matthews) plus a few other items.

ATTORNEY MOULTON stated it was within the discretion of the Flushing Township Board of Trustees to allow the permit which is required. Forms have been completed by Mr. Matthews and have been submitted to the township. It is mandatory, under the State Statute, that for the township to consider the granting of the permit the applicant submits either a bond or insurance policy in an amount deemed necessary by the local governing authority to satisfy claims for damages to property or personal injuries that may arise out of fireworks display.

TROTOGOT stated Mr. Matthews had stated the event was costly; he would get liability insurance the day of the display from his insurance company out of Lansing.

LIEPMANN wanted to know the typical figure for insurance. **MATTHEWS** stated it was approximately \$250 for \$1,000,000 coverage for the show, which would take place on Saturday, July 1, 2006. **LIEPMANN** stated the Board of Trustees had information from the ATF and confirms that Mr. Matthews is proficient in handling fireworks.

ATTORNEY MOULTON stated the fireworks were governed by State Statute. If the township wanted to impose other requirements for the issuance of a permit, it would be a State form.

LIEPMANN MOVED, seconded by Minaudo that Mr. Mark Matthews be granted the right to have a July 1, 2006 fireworks display provided he provide a \$1,000,000 insurance policy to the township by June 1, 2006. MOTION CARRIED.

6. Appointment of Mark Newman, 9185 North Island Drive, Flushing, Michigan, to the Planning Commission

TROTOGOT stated that Planning Commission Member Aaron Bowron resigned to take a position with another law firm in Traverse City, Michigan. **TROTOGOT** has recommended that Attorney Mark Newman, a partner with Hennike, McCone, Fram, and Dawes be appointed to the Planning Commission. **FOTENAKES MOVED**, seconded by Minaudo to allow Mark Newman to be on the Planning Commission, as recommended by **TROTOGOT**. MOTION CARRIED.

7. Inner Local Agreement with the Flushing Area Senior Center between the City of Flushing, Flushing Township and Clayton Township

TROTOGOT requested approval of \$3,600 for the Flushing Area Senior Center as Flushing Township’s share of the cost. **TROTOGOT** stated the Board of Commissioners is trying to get a .5 mill on the ballot but it will be held off until the November 2006 election. **REED MOVED**, seconded by Pratt to approve \$3,600 as a contribution to the Flushing Area Senior Center.

ROLL CALL VOTE:

AYES: Minaudo, Liepmann, Morford, Reed, Pratt, Fotenakes, and Trotogot

NAYS: 0 MOTION CARRIED.

8. Coldwater Valley Subdivision – Larry Adkins of L.A. Construction Co.

TROTOGOT stated that Larry Adkins (Adkins) of L.A. Construction Company was present to obtain a Preliminary Plat Approval for the Coldwater Valley Subdivision. **LIEPMANN** and **TROTOGOT** had met with the engineers regarding a letter that was

needed from the township which would not require L.A. Construction to put in a sewer line on Coldwater Road from the beginning of his (Adkins) property and continues from the Bowman Drain West approximately three hundred (300) feet. Currently sewer service is not available on Coldwater Road; the sewer line that L.A. Construction would be installing would be setting over the seventy-two (72) inch interceptor. Adkins only needed to put in two (2) man holes and run the line one hundred twenty (120) feet to the South for the remainder of the subdivision. The possibility of L.A. Construction putting in a line under the Bowman Drain was discussed and it was decided that when the time has come that Flushing, as a township, wanted to continue sewer along Coldwater Road, the township would have to bore the Bowman Drain. At the current time, Adkins has permission to cut the Bowman Drain.

Adkins has assured the township that he could get a letter from the Genesee County Drain Commissioner stating that when the time has arrived when the township wished to connect to the interceptor, one of two things would take place: 1) either the township would be able to cut the Bowman Drain or 2) the township would be able to tap the far end of the interceptor which currently is on the other side of the Bowman Drain.

LIEPMANN MOVED, seconded by Fotenakes to approve the Final Preliminary Approval to L.A. Construction for their project on Coldwater Road and that the owner, Mr. Adkins, will get the township a letter from Mr. Jeff Wright, Genesee County Drain Commissioner, stating the township would be able to cut the Bowman Drain in the future.

DISCUSSION:

FOTENAKES stated there had been a neighbor that called her and complained of the water going onto her property from the East.

ACTION OF THE MOTION

MOTION CARRIED.

V. COMMITTEE REPORTS:

1. Parks and Recreation Committee

LIEPMANN gave a detailed list of upcoming events for the Flushing Nature Park:

- a. Collection of Sap from Sugar Maple Trees – 11 trees were tapped; boiled down to two (2) gallons of syrup
- b. Prescribed Burn in the wet prairie (area North end of the Park) and down by the pond (along the river side) – very good results
- c. Wood Cock Night Hike – Friday, April 14, 2006 – 8:00 p.m. to 9:00 p.m.
- d. Earth Day Celebration – Saturday, April 15, 2006 – 1:00 p.m. to 5:00 p.m.
- e. Work Day – Wednesday, April 19, 2006 – 6:30 p.m. to 8:00 p.m.
- f. Animal Adaptations Program with the Bridges to the Future on Thursday, April 20, 2006
- g... Boy Scout Campout on April 21 – 23, 2006
- h. Wood Cock Adaptation Hike – Friday, April 21, 2006 – 7:30 p.m. to 9:00 p.m.
- i. Bridges to the Future Program entitled “What is a Watershed” on Thursday, April 27, 2006 from 3:30 p.m. to 5:00 p.m.
- j. May 6th – Volunteer Pancake Breakfast at the Flushing Nature Park
- k. Rain Garden Design – Saturday, May 20, 2006 – 10:00 a.m. to 12:00 p.m.
- l. Wildflowers Hike – Saturday, May 20, 2006 – 1:00 p.m. to 2:30 p.m.
- m. Native Plant Sale – Saturday, June 10, 2006 – 9:00 a.m. to 2:00 p.m.

LIEPMANN stated construction would begin for the new boardwalk down by the river with the pre-construction meeting to be held on Thursday, April 20, 2006 at 10:00 a.m. D.N. West was the low bidder for the project at a cost lower than the engineer’s estimate.

LIEPMANN stated that due to the beginning of the five (5) and ten (10) year planning of the Parks and Recreation, the Committee would like permission from the Board of Trustees to have up to three (3) additional meetings this year. The cost to the Township would be \$250.00 per meeting. **LIEPMANN MOVED**, seconded by Fotenakes to have

up to three (3) additional Parks and Recreation Committee Meetings in 2006 at a cost to the Township at \$250.00 per meeting.

ROLL CALL VOTE:

AYES: Reed, Pratt, Minaudo, Liepmann, Fotenakes, Morford, and Trogot

NAYS: 0 MOTION CARRIED.

REED stated that due to **LIEPMANN'S** resignation from the Parks and Recreation Committee, who would be the Chairperson. **LIEPMANN** stated that he only resigned as the Chairperson of the Committee but would be representing the Board of Trustees on the Committee; **TROGOT** would be the Chair since the Supervisor serves on all Committees.

2. Weighmaster Committee

TROGOT stated the Committee had discussed the affect of the weighmaster in the township. **MINAUDO** had obtained a copy of the Genesee County Sheriff's Department Agreement with Mundy Township; the Agreement has been given to **ATTORNEY MOULTON** for his review for the possibilities of an Agreement with Flushing Township. The fees from the weighmaster's fines go to the Public Libraries so not sure if the monies would be taken away from Flushing Township.

VI. REPORTS:

1. **Building Inspector's Report: REED MOVED**, seconded by Pratt to accept the Building Inspector's Report. MOTION CARRIED.

BUILDING PERMITS ISSUED:

| | |
|---|-----------------|
| NEW HOMES | 1 |
| ACCESSORY BUILDINGS | 2 |
| DECKS | 1 |
| REMODELING | 0 |
| ADDITIONS | 2 |
| GARAGES | 0 |
| FENCE PERMITS | 1 |
| ROOF REPAIR | 0 |
| POOL | 0 |
| COMMERCIAL (Addition) | 1 |
| SIGN | 0 |
| | |
| TOTAL PERMITS ISSUED | 8 |
| PERMIT VALUATION FOR MARCH 2005 | \$ 612,838 |
| PERMIT VALUATION FOR MARCH 2006 | 243,815 |
| | |
| PERMIT FEES COLLECTED FOR MARCH 2006 | \$ 1,249 |
| | |
| TRAILER INSPECTIONS | 150 |
| TRASH AND RECYCLING CHARGES | 0 |
| SPECIAL USE PERMIT | 0 |
| HOME OCCUPATION PERMIT | 0 |
| EARTH REMOVAL PERMIT | 0 |
| VARIANCE REQUEST | 0 |
| REZONING REQUEST | 0 |
| CODE BOOKS | 0 |
| FOR A TOTAL OF | \$ 1,399 |
| | |

| | |
|---------------------------------|-------------------|
| CONSTRUCTION TO DATE MARCH 2005 | 1,725,718 |
| CONSTRUCTION TO DATE MARCH 2006 | 1,338,200 |
| FOR A DECREASE OF | |
| | \$ 387,518 |

VII. PUBLIC COMMENTS:

OPENED AT 8:35 P.M.

1. **Jack Matsco, 8443 Jaclyn Ann Drive, Flushing** – “wanted to know why there were two (2) police officers riding in the same car? His wife recently had a heart attack and was concerned as how one car with two (2) police officers could cover a population of 10,000. **MATSCO** felt there should be one officer in each cruiser; the night shift drives approximately 100 to 120 miles – approximately \$700 to drive the cruiser for gas per month. **LIEPMANN** stated the Board had been over this situation time and time again; the Flushing Township Police Department has only been able for the past two (2) years to purchase one vehicle every other year instead of purchasing a vehicle every year due to the adopted Police Budget. With the renewal of the Police Millage, everyone was told the millage would be for ten (10) years and would take the budget to the end but at the time the gas was \$1.69 per gallon – now close to \$3 per gallon. **MINAUDO** stated he agreed with **MATSCO**. **TROTOGOT** stated there were actually three (3) cars that were available: two cars at the high school and junior high and one car on the road. There has been great back up from the Genesee County Sheriff’s Department, from the City of Flushing, and Mt. Morris and Montrose Townships. It was determined that Chief Doug Kennedy would be at the next meeting scheduled for May 11, 2006.

2. **Gordon Cookingham, 3016 Dillon Road, Flushing, Michigan** – “concerned about the Junk Ordinance being in affect; eighty (80%) percent of the people in the township have, according to the ordinance, something wrong with their property. **TROTOGOT** stated that was true; **LIEPMANN** stated that in black/white and every single word that was in the wording such as bicycle – it would be a problem – but it would be read the wrong way: the Board has no intention of doing anything with the type of situation. The Board is only interested in the people that have junk everywhere around their homes. **COOKINGHAM** wanted to know if the Board would be picking out people. His (Cookingham) concern was that maybe the currently board would not be picking out people, but what about the future Board of Trustees who were elected, and since there is an ordinance, the residents would have to do what was said or be fined.

ATTORNEY MOULTON stated the Junk Ordinance as it currently exists, has gone through revision after revision, trying to fine tune the ordinance so there is a tool to address the junk problems. It is very difficult to draw the line between the situations that everyone would agree are a problem, and those situations that are not. If someone took a very hard line and attempted to enforce the ordinance to the letter of the law, a far greater number of people would be dragged into that situation than the Board of Trustees ever intended. In every law, statute, ordinance, there is a requirement that it be interrupted reasonably to enforce the intent of the people that enacted the law. The intent of the law is being told. If the ordinance is ever abused, then the people that are abusing it are subject to being voted out of office, just like any other elected official.

COOKINGHAM stated that if he came to the board and complained about one of his neighbors, who would enact on the situation? **TROTOGOT** stated he would go out and look at the matter and talk to the neighbor. **ATTORNEY MOULTON** stated that every responsible official would at least examine the situation whether there was official action or not, would be up to the individual’s discretion. The township is coming up with situations all the time where the provocation for the neighbor coming into the township is of no real concern about the condition of his neighbor’s property – the township knows there are other underline issues and the person just wants to get official action used as a

lever against their neighbor. **COOKINGHAM** stated that if he had trouble with his neighbor, he would go talk to his neighbor on a one to one basis.

ATTORNEY MOULTON stated that every criminal proceeding that is initiated is reviewed before the complaint is authorized. He (Attorney Moulton) would have to be convinced that the matter would be a reasonable action to take under the ordinance. If **ATTORNEY MOULTON** took the case, which every case that is filed in District Court would be under Flushing District Court Judge Goggins, that type of situation would not get very far. **COOKINGHAM** wanted to know if a farmer would be exempt from the ordinance; is favoritism being shown? **ATTORNEY MOULTON** stated there was the Right to Farm Act, so if the aggregation of material that someone might find objectionable is legitimately part of a farming operation, then the township by ordinance could not do anything about the matter.

3. Darrell Parks, 3452 Dillon Road, Flushing – “he has a neighbor that has a fifth wheeler in the front yard next to his driveway and according to the proposed ordinance, the neighbor cannot have the camper parked in that particular location; the person stays in Florida for six (6) months out of the year.” **ATTORNEY MOULTON** stated the ordinance specifies ninety (90) days for a vehicle to be parked in the front yard in the driveway.

LIEPMANN stated it was very difficult to write an ordinance that mentioned every single problem; the ordinance is the only method to eliminate the problem.

TROTOGOT and **LIEPMANN** were not going around the township to see if someone had a motor home or recreational vehicle parked on a nice slab on the side; it is not an issue. **PARKS** wanted to know how one person could be fined and another person not – it would be discrimination!

4. Ray Bolt, 3271 Dillon Road, Flushing – “wanted to know about the houses that had houses behind them; your “stuff” could not be put behind your house because someone else would be looking at your “stuff”; it would also apply to corner lots.” **TROTOGOT** stated that most issues would be a one-on-one basis. **LIEPMANN** stated that ordinances could be amended at any time. The township needs an opportunity to see how the ordinance would work and if it (the ordinance) becomes a problem, the ordinance could be amended. **REED** stated the ordinance stated the “stuff” had to be behind “your” house – not the neighbor’s house. **PRATT** stated there was a commitment from the Board of Trustees that the matter would not be a Police type matter – the matter had been discussed at length by the Board of Trustees. **FOTENAKES** stated it has always been, since she has been on the Board, that the Board of Trustees is not policed in the ordinance but only when a complaint comes to the office that the Board of Trustees reacts to.

5. Bill Westenbarger, 7345 Gillette Road, Flushing – “his neighbor who lives three (3) doors from him put in a swimming pool so now there is a dip in the back yard. Prior to the swimming pool being put in there was a dip in the back of his property and every time it rained, the water would run through the dip and down the side of another driveway into the ditch – the dip now has been blocked up. The water now backs up two hundred (200) feet to the South and has become stagnant. The neighbors have talked to the individual, who put in the swimming pool, but nothing can be accomplished. **WESTENBARGER** has talked to the Supervisor and an ordinance was discussed with **LIEPMANN**. **TROTOGOT** stated that Mike Wilson (Wilson) from the Genesee County Drain Commission (Drain Commission) had been out to review the situation, but since the area is not considered a natural drain, the Drain Commission would not get involved with the matter. **ATTORNEY MOULTON** stated most municipalities including Flushing Township, do not have an ordinance in place prohibiting interference with the natural flow of water. Part of the common law that is applicable through the State of Michigan, one property owner to another, could not interfere with the natural flow of water. To do so, would give an individual, the affected property owner or group that is affected the right to bring a civil suit. The township does not have an ordinance in place making it a violation to move dirt around your own property. If quantities of soil

are being removed from your property, an earth removal permit is required. There are certain requirements for new builds, but in the situation where an above ground pool does not require a building permit; there isn't an ordinance, tool, or requirement to enforce what he does to install the above-ground pool.

ATTORNEY MOULTON stated there were two (2) options: 1) is there some practical solution that the affected property owners could do such as put in a tile and then compare the cost to the particular solution as opposed to, 2) going to Court because the Court process is slow and expensive and there would have to be a burden of proof to meet; the outcome of the situation is never certain regardless of how strong one thinks the case may be. The neighbors would be willing to help the neighbor to solve the problem.

6. Mark Matthews, 7477 W. Coldwater Road, Flushing - "could he get a copy of the plot layout for the proposed Coldwater Valley Subdivision due to the water that is on the land."

7. Gordon Cookingham, 3016 Dillon Road, Flushing - "inquired as to where the money would go that would be received from the weighmaster." **TROTOGOT** stated the statute dealing with the funds received from allowing the weighmaster to fine an individual trucker, would go to the libraries. **ATTORNEY MOULTON** stated there was a \$40 fee; \$25 of which would go to the Secretary of State, and the remaining \$15 would be divided between other entities (Impound Law). The issue would be discussed further at the May 2006 Meeting with Chief Doug Kennedy.

8. David Pajtas, 5475 Deland Road, Flushing - "wanted to know if the County had slowed down on going after the large trucks." **TROTOGOT** stated there were a lot of double haulers that had come through the township; the township has been trying to save the current roads.

9. Floyd Badder, 7208 Johnson Road, Flushing - "the trucks have been driving on Stanley/Johnson Road without license plates on the trucks; really bad road with deep holes."

9:00 P.M. CLOSED TO THE PUBLIC

VIII. BOARD COMMENTS:

1. **FOTENAKES** received a call from a resident who wanted to know if the Waste Management personnel could put the garbage cans in the ditch. **FOTENAKES** had talked to James Wilson who stated he could not mark the garbage cans township wide, but if the Board of Trustees wanted to try a pilot program on some road, he wouldn't mind the people putting tape around their garbage cans with their names on the cans, which would indicate to put their cans in the ditch. The Waste Management truck driver would be the designated contact person. **FOTENAKES** had thought that **TROTOGOT** and **LIEPMANN** were going to talk to James Wilson, of Waste Management, to see if the matter could be adopted or if the matter was feasible. **TROTOGOT** and **LIEPMANN** will look into the matter.
2. **FOTENAKES** wanted to know the status of the Code Enforcement Officer.
3. **PRATT** wanted to know if there was a telephone number to give to Mr. Badder so he could get a patch job on Johnson Road. It was recommended Mr. Badder call the Genesee County Road Commission.
4. **MINAUDO** wanted to know if a police cruiser was totaled. **TROTOGOT** will check into the situation.
5. **MORFORD** reminded the Board of Trustees about the monthly Michigan Township Association (MTA) Meeting to be held Thursday, April 20th at 7:00 p.m. at Mundy Township. There will be a panel discussion from the County Board of Commissioners.
6. **PRATT** wanted to know if **TROTOGOT** had acquired any information on the \$1,000 grant with Michigan State University regarding the wetlands.

TROTOGOT stated he was waiting for information on the matter. A CD had been given to the Township with maps.

THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, MAY 11, 2006 AT 7:00 P.M.

ADJOURNMENT: There being no further business matters, Supervisor Trotogot adjourned the meeting at 9:18 p.m.

Julia A. Morford, Clerk

Andrew Trotogot, Supervisor

APPROVED DATE: _____
04/13/06 Regular