



**NEW BUSINESS**

1. **Approval of Michigan Assessors Association Membership Dues**

**TROTOGOT** requested permission for Flushing Township Assessor Dennis Judson (Judson) to attend two (2) assessor classes earning credit toward his continuing education. **REED MOVED**, seconded by Pratt to authorize the spending of \$300.00 for Dennis Judson to attend the assessing education classes.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Liepmann

2. **Second Reading of an Ordinance to Amend Section 17-73 of the Code of Ordinances to Prohibit Student Parking on School Property in Violation of the Policies Established by the Board of Education and to Establish the Penalties for such Violation.**

**ATTORNEY STEVE MOULTON (ATTORNEY MOULTON)** stated the Flushing Township Board of Trustees (Board) reviewed, at the last Board Meeting, the explanation of the proposed ordinance, *Amendment to Section 17-73 of the Code of Ordinances to Prohibit Student Parking on School Property in Violation of the Policies Established by the Board of Education and to Establish the Penalties for such Violation*, subject to the ordinance being the first reading. Questions from the Board stemmed from the action of the Flushing School Board (School Board) regarding the adoption of the policy to require the students to pay for parking; the decision was within the School Board’s province.

The School Board has asked that Flushing Township adopt an ordinance that would allow, as the last enforcement mechanism, the issuance of parking tickets by the Flushing Township Police Department. The proposed ordinance was drafted by **ATTORNEY MOULTON** and required very little change to the existing ordinance.

After the last Board Meeting, **CHIEF DOUG KENNEDY (CHIEF KENNEDY)** spoke with a representative from the School Board regarding the order of consequences:

1. 1<sup>st</sup> Offense: Warning
2. 2<sup>nd</sup> Offense: Parent call and student assigned after-school detention
3. 3<sup>rd</sup> Offense: Parent call and Saturday School
4. 4<sup>th</sup> Offense: Parking privileges revoked for 90 school days. Consequences may also involve enforcement by the Flushing Township Police Department.
5. The above referenced proposed ordinance would be the 5<sup>th</sup> Step:
  - a. the issuance of a civil infraction citation for which the student would be responsible for a \$25 fine.

**QUESTIONS/COMMENTS HEARD FROM THE BOARD:**

**Note:** The answers were from Chief Kennedy unless indicated otherwise.

1. **Q:** “does the \$25 go to the school or to the Flushing Township Police?”  
**A:** “it would go to District Court just like any other civil infraction and at some point in time, the money would come back to the Police Department.”
2. **Q:** “would the ordinance pertain to all the schools?”  
**A:** “it would probably only apply to the high school because the students in the middle school weren’t old enough to drive.”
3. **Q:** “which officer would be in charge of the matter?”  
**A:** “probably Officer Hough because he is the Resource Officer at the High School.”
4. **Q:** “why couldn’t the cars be impounded and leave the Police Department out of the situation?”  
**A:** (Attorney Moulton) “there would be a fee of \$175.”
5. **Q:** “it seems like a specialized ordinance for the school system.”

- A: (Attorney Moulton) “there are 11,000 people that resided in the township and on any given school day there are 2,000 people at the high school. The proposed ordinance is not designed to meet the needs of one or two people; a significant part of the people that are in the township on any given school day are at the high school.”
6. Q: “if the figure was \$25 or \$35 per year for the student pass and instead of issuing the \$25 citation, which may or may not be paid in the first place which would come to more serious consequences, the school could cut up the pass until the additional \$25 was paid.”  
A: (Attorney Moulton) “that could be an option.”
7. Q: “why did the Police Department have to get involved for the ordinance to happen because the school had the authority to do everything they (school) would need to do? Resource Officer Hough is on the grounds all the time anyway. What would happen if the student doesn’t pay the fine?”  
A: (Attorney Moulton) “he (Attorney Moulton) was not in attendance to argue one position over the other; the ordinance was designed for a specific entity but it is a public entity that has to deal with a large number of people that are in the township.”
8. Q: “there were four (4) consequences and if the 4<sup>th</sup> or 5<sup>th</sup> Offense was the only time the police department was involved then sometimes police involvement would be an educational process.”
9. Q: “what difference would it make if the Court or the School got the \$25 the Police have to get involved for the student to learn a lesson?”
10. Q: “the proposed ordinance was a last resort issue.”  
A: “it would be a situation where the student hasn’t learned the first three or four times and there weren’t any other options other than impounding the car or revoking the sticker and making the student pay another fee to get another sticker. It would be something that would not happen very often.”
11. Q: “if after the 90 days, (4<sup>th</sup> Offense) and the student continued to do the same why not revoke the privileges once and for all; it would only involve the parking at the school.”  
A: (Trotoget) “the police would still be involved because the student would not stop driving just because his privilege was taken away.”
12. Q: (Chief Kennedy) “once the police were involved there has been a tendency to correct bad behavior more so than if the school district implemented another 5<sup>th</sup> or 6<sup>th</sup> Penalty.”
13. Q: “more or less a good will approach between Flushing Township and the Flushing School District.”
14. Q: “what other school districts have the parking permits?”  
A: (Chief Kennedy) “two (2) other school districts in Genesee County are on the permit system.”
15. Q: “since already paid taxes on a piece of land, it was hard to say “OK to take another \$30.00; didn’t think it was acceptable.”
16. Q: “the reason for the fee to park was to keep the maintenance up on the parking lot.”
17. Q: “process cuts down on vandalism; you know whose car belongs to whom; if there should be a drug problem, the school would know which cars they were looking for; parking permits are more or less a safety factor.”
18. Q: “if the Board Member was a student, would feel good about knowing when arrived in the parking lot, there would be a place to park.”
19. Q: “not against assigned parking, but against having the student pay the \$30.”

**PRATT MOVED**, seconded by Reed to proceed to the second reading on an Ordinance to Amend Section 17-73 of the Code of Ordinances to Prohibit Student Parking on School Property in Violation of the Policies Established by the Board of Education and to Establish the Penalties for such Violation. **MOTION CARRIED.**  
(4/2)

**3. Approval to Schedule Lights-at-Large Public Hearing**

**FOTENAKES MOVED**, seconded by Reed to send out a letter to the Flushing Township residents to be aware of the Public Hearing regarding the Lights at Large to be held on September 13, 2007. MOTION CARRIED.

**4. Approval to attend the 2008 Michigan Townships Association (MTA) Conference in Detroit, Michigan**

**FOTENAKES MOVED**, seconded by Pratt to approve the attendance of all Board Members and Deputies at the 2008 MTA Conference in Detroit, Michigan on January 8-11, 2008.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Liepmann

**5. Approval to Attend the 2007 Michigan Townships Association (MTA) District Fall Meeting, September 12, 2007 at Horizons Conference Center, Saginaw, Michigan**

**FOTENAKES MOVED**, seconded by Reed that all Board Members interested in the 2007 MTA District Fall Meeting to be held September 12, 2007 be able to attend and give notice to the Clerk.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Liepmann

**6. Approval to Accept the Lowest Bid for Liability Insurance**

**TROTOGOT** wanted to change the wording on the Agenda Item for the Liability Insurance to "Approve the Best Policy for the Township." **TROTOGOT** stated the bids were supposed to have been received by July 30, 2007; a bid had been received last night (August 8, 2007) and **TROTOGOT** had been unable to review the bid. **TROTOGOT** would like to leave the option open for him (Trotogot) and **LIEPMANN** to review the bid.

**FOTENAKES MOVED**, seconded by Minaudo to have Liepmann and Trotogot make the decision as to the company that would be the best and most qualified bid for Flushing Township's insurance carrier.

**DISCUSSION:**

1. **PRATT** felt that **ATTORNEY MOULTON** should review the issue?  
**ATTORNEY MOULTON** stated the decision would be left up to the whole Board of Trustees. The coverage for the existing policy expires on August 23, 2007; the replacement coverage needed to be in place prior to August 23, 2007. **ATTORNEY MOULTON** stated the problem with insurance policies was in reference to comparing apples to apples. Even if you get to a point where there is comparable coverage, a decision had to be made as should the deductible be increased to a larger amount so that the annual premium was less
2. **FOTENAKES** requested to withdraw her motion. **TROTOGOT** stated the insurance issue had to be reviewed and a decision had to be made.
3. It was recommended by some of the Board Members to have a Special Meeting to take care of the current insurance coverage and also to review the Charter Township of Flushing Procedures and Policy Manual. A time factor was involved since the insurance policy coverage expired on August 23, 2007.

**FOTENAKES MOVED**, seconded by Minaudo to resend the motion.

**FOTENAKES MOVED**, seconded by Pratt to plan a Special Meeting for the purpose of reviewing the Charter Township of Flushing Procedures and Policy Manual and to review

the two (2) insurance carriers to see which carrier would be the better for Flushing Township, after first being reviewed by the Supervisor and Treasurer. The date of Thursday, August 16, 2007 at 7:00 p.m. was established as the date for the Special Meeting.

**DISCUSSION:**

- 1. **PRATT** wanted to know if the liability insurance covered liability for the Board of Trustees and for errors and omissions.

**ACTION OF THE MOTION:  
MOTION CARRIED.**

**7. Resolution for Mutual Aid for the Police Department**

**ATTORNEY MOULTON** stated the Genesee County Mutual Police Assistance Agreement (Agreement) has been put together which included almost all the municipalities in cities, villages, or townships within Genesee County. The Agreement has been reviewed by **ATTORNEY MOULTON** per the request of **CHIEF DOUG KENNEDY (CHIEF KENNEDY)**.

The Agreement has been spelled out for each party requesting responding entity and it has been done in a straight forward Agreement that would provide a mechanism whereby police officers in one jurisdiction could assist the officers in any other jurisdiction that were a party to the Agreement. The Agreement doesn't favor one municipality over another municipality.

In implementing the Agreement, Flushing Township has to sign a Resolution adopted by the Board of Trustees to participate. A straight forward Resolution has been prepared by **ATTORNEY MOULTON** which indicated the Board of Trustees has considered the Agreement and found it in the best interest of the Township and has adopted the Resolution that Flushing Township would participate in the Agreement.

**MINAUDO MOVED**, seconded by Fotenakes to adopt the Genesee County Mutual Police Assistance Agreement and authorize the Supervisor and Clerk to sign the Agreement.

**DISCUSSION:**

- 1. **FOTENAKES** wanted clarity of the following example: If the Flushing Township Police Department wanted the assistance of Flushing City Police Department, would they (Flushing Township) be the one to tell Flushing City how to proceed? **CHIEF KENNEDY** stated Flushing Township would be the officer that would make the request for assistance and the responding agency (Flushing City) would respond to the officer. **MINAUDO** stated sometimes the Township might be tied up on a call and could request Flushing City to help in the case. **CHIEF KENNEDY** stated if there was a "priority one call" that required immediate attention, Flushing Township would indicate to Central Dispatch that Flushing Township would be authorizing Flushing City to respond and to assist with the call.
- 2. **FOTENAKES** wanted to know the feasibility of Flushing Township Police Department assisting with such municipalities as Fenton and Linden since they are a distance from the Flushing jurisdiction? **CHIEF KENNEDY** stated the Agreement was designed to protect the borders because the Sheriff Department and the State Police have the authority to come into any jurisdiction and do what is required from them. The proposed Agreement would be very basic; the Agreement was in place in the past, but there were some municipalities in Genesee County that refused to sign the Agreement because of the language or other problems.

**ACTION OF THE MOTION:  
MOTION CARRIED.**

**COMMITTEE REPORTS:**

1. **TROTOGOT** stated the Flushing Township Board of Trustees and other individuals who have served the community have received an invitation from Trinity Baptist Church, Elms Road, Flushing, Michigan to attend a Special Service on Sunday, September 9, 2007 at 10:30 a.m.

**REPORTS:**

**Building Inspector's Report: Reviewed and Approved.**

**BUILDING PERMITS ISSUED:**

NEW HOMES		1
ACCESSORY BUILDINGS		4
DECKS		1
REMODELING		1
ADDITIONS		1
GARAGES		1
FENCE PERMITS		2
ROOF REPAIR		0
POOL		0
COMMERCIAL		0
SIGN		0
<b>TOTAL PERMITS ISSUED</b>		<b>11</b>
PERMIT VALUATION FOR JULY 2006	\$	1,002,444
PERMIT VALUATION FOR JULY 2007		263,095
<b>PERMIT FEES COLLECTED FOR JULY 2007</b>		<b>\$ 1,466</b>
TRAILER INSPECTIONS (2)		100
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
<b>FOR A TOTAL OF</b>		<b>\$ 1,566</b>
CONSTRUCTION TO DATE JULY 2006		4,721,121
CONSTRUCTION TO DATE JULY 2007		1,669,545
<b>FOR A DECREASE OF</b>		<b>\$ 3,051,576</b>

**PUBLIC COMMENTS:**

**7:55 P.M. OPEN FOR PUBLIC COMMENTS**

1. **Pat Drozdowski, 5290 Deland Road, Flushing, Michigan** – “thought the idea of the student parking was like anything else that was brand new, there would be glitches and would have to be worked out. Everything would work out in the end.”

2. **Anna Berney, 8625 Tim Tam Trail, Flushing, Michigan** – “lives in Flushing Township and would like for the Board to review Amendment Section 12-63 which stated if there was a recreational vehicle/camper it had to be kept in the rear property of an individual’s home. A person could keep the vehicle on a side lot or in the driveway for a period of ninety (90) days; some people interpret ninety (90) days to mean to keep the vehicle on ones property for ninety (90) days, go away for the week end, and return to the property for another ninety (90) days. Mrs. Berney felt the wording should be amended to be more specific; thought the wording should state: ninety (90) days in a calendar year and then store in the back of your property.”

**PRATT** recommended an amendment to the ordinance to read “not to exceed two (2) ninety (90) day seasonal permits per year (180 days) which would be one half (1/2) year and would still give the property owner time to get the vehicle in the back yard for the remaining one-half year.

**ATTORNEY MOULTON** stated if the Board should decide to amend the ordinance, the existing ordinance would have to be in affect one (1) year in its current version. **PRATT** recommended that **ATTORNEY MOULTON** review the issue to add a modification and then be discussed as a Board, and either approved or disapproved, but determine what would work. **PRATT** recommended the issue be “not to exceed two (2) seasonal uses.” **ATTORNEY MOULTON** will come up with suggestions for the September 13, 2007 Board Meeting. **TROTOGOT** wanted to know if the Board could force someone to spend money to store their recreational vehicle.

**ATTORNEY MOULTON RECOMMENDED ALTERNATIVES:**

- 1. if vehicle could not be stored at a particular location
  - a. take to a brothers/neighbors property
  - b. pay to have vehicle stored in a regular commercial facility
- 2. every possible statute is subject to challenge
- 3. other methods of approaching the situation:
  - a. limit the number of days per year
  - b. if stored in the driveway, the vehicle had to be a minimum distance from the front lot
    - 1. consider the line of sight
      - a. not visible from the adjoining property’s front porch
      - b. common situation in lake front property

**8:00 P.M. CLOSED FOR PUBLIC COMMENTS**

**BOARD COMMENTS:**

1. **FOTENAKES** felt that due to one of the Flushing Township employees six (6) month probationary period being almost ready to expire, could the probationary period be extended another three (3) months to see what the new Flushing Township Procedures and Policy Manual stated. **ATTORNEY MOULTON** stated if the current Manual stated six (6) months, then it was six (6) months, it could not be unilaterally extended unless there were circumstances specifically provided for in the Manual that authorized the extension of the period of probation. **ATTORNEY MOULTON** recommended the circumstance go to the Personnel Committee.

2. **PRATT** wanted to know if the township could purchase their own gasoline tank for the Police Officers and if the gasoline could be purchased in bulk. **CHIEF KENNEDY** stated that compared with the cost of gasoline purchased, have it pumped, and the installation and maintenance of having a tank, it was determined years ago that it wasn’t cost affective. **CHIEF KENNEDY** will review the issue and bring the

information back to the Board. **TROTOGOT** mentioned there was a discussion about going jointly with the City of Flushing regarding the purchase of gasoline; there had been questions about the key situation. **CHIEF KENNEDY** had discussed the issue with the former Chief Fay Peek and he (Chief Peek) had recommended not to go jointly because there had been some problems.

3. **FOTENAKES** recommended discussing the gasoline issue with the new Flushing City Chief to see if he had some good ideas on the issue. **CHIEF KENNEDY** stated one of the issues that had previously been addressed was the bookkeeping; what mechanism to put into place to determine which officer was at the pump, etc. because now every purchase registers as one event. **MINAUDO** stated the Genesee County Sheriff's Department has its own key code that would indicate what department to charge.

4. **TROTOGOT** reminded the Board that Jeff Feurt of Total Systems, Inc. would be holding a health insurance meeting on Wednesday, August 22, 2007 at 9:00 a.m. to review the health plan.

**THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, SEPTEMBER 13, 2007 AT 7:00 P.M.**

**ADJOURNMENT:** There being no further business matters, the Supervisor adjourned the meeting at 8:15 p.m.

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JULIA A. MORFORD, Clerk

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ANDREW TROTOGOT, Supervisor

APPROVED DATE: \_\_\_\_\_