

CHARTER TOWNSHIP OF FLUSHING

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

DATE: SEPTEMBER 13, 2007 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

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

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

MEMBERS ABSENT: None

OTHERS PRESENT: 63 other interested individuals

TROTOGOT requested permission to add to the Agenda, New Business, Number 4, *First Reading of Amendments to Section 12-63(3) "Recreational Vehicles"*.

ADOPTION OF THE AGENDA: FOTENAKES MOVED, seconded by Pratt to adopt the Agenda with the addition of Number 4, *First Reading of Amendments to Section 12-63(3) "Recreational Vehicles"*. MOTION CARRIED.

APPROVAL OF MINUTES:

- (A) **APPROVAL OF MINUTES OF AUGUST 9, 2007: REED MOVED**, seconded by Liepmann to approve the Minutes of August 9, 2007 as printed. MOTION CARRIED.
- (B) **APPROVAL OF MINUTES OF AUGUST 21, 2007: REED MOVED**, seconded by Liepmann to approve the Minutes of August 21, 2007 as printed. MOTION CARRIED.

APPROVAL OF BILLS: FOTENAKES MOVED, seconded by Minaudo to approve the payment of the bills. Questions: **FOTENAKES** inquired about the Planning and Zoning Center subscription for one (1) year to a planning magazine for the Building Inspector; **REED** inquired about the legal fees for Keller Thoma; **FOTENAKES** inquired about the Consumers Energy bills for 6424 N. Seymour Road; 7450 Gillette; and 9359 Stanley Road.

ROLL CALL VOTE:

AYES: Fotenakes, Minaudo, Pratt, Reed, Morford, Liepmann, and Trotogot
NAYS: 0 MOTION CARRIED.

7:05 P.M. – PUBLIC HEARING OPENED – Lights at Large
Public Hearing Notice
Charter Township of Flushing
Genesee County, Michigan

PLEASE TAKE NOTICE that the township board will meet at the Flushing Township Hall, 6524 North Seymour Road, Flushing, Michigan on Thursday, September 13, 2007 at 7:00 p.m. for the purpose of reviewing a renewal of the public lighting district assessment for Flushing Township. Said roll may be examined at the office of the township clerk during regular business hours until the time of said hearing and may further be examined at said hearing. Appearance and protest at the hearing held to confirm the special assessment roll is required in order to appeal the amount of the special assessment to the Michigan Tax Tribunal.

Julia A. Morford, Clerk
 Charter Township of Flushing
 6424 N. Seymour Road
 Flushing, Michigan 48433
 810-659-0800

LIEPMANN stated that Flushing Township was in a position, due to the \$40,000 reduction of the State Shared Revenue for municipalities, that the shortage amount had to come from another resource to make up for the Budget.

A request was made to the Charter Township of Flushing (Flushing Township) Board of Trustees to establish a Special Assessment for Lights at Large at a price of \$12.00 per parcel per year on improved (a home had to be on the parcel) parcels only. The Board has not made any decision on whether to proceed with the \$12.00 per year per parcel issue or try some other method.

LIEPMANN presented a time frame of events for the Lights at Large budget. Different ways are being reviewed in order to handle the shortfall within the budget:

1. the township is only a depository for taxes; not the taxing authority. The one (1%) percent Administration Fee from the Summer Taxes is the only dollar amount that stays in Flushing Township.
2. Flushing Township did not collect Summer Taxes until 2005
 - a. schools wanted money up front in order not to borrow money for the school year.
 - b. Genesee County decided they would like to have their taxes in the summer (1/3 first year - 2005; 2/3 second year - 2006; all the third year - 2007).
3. Summer taxes have gone up and winter taxes have gone down; currently Summer Tax is sixty (60%) percent and Winter Tax is forty (40%).
 - a. Winter Taxes Consist of: Mott College, Genesee County Health Program, Senior Citizens Millage, Parks, Paramedics, Library, Mass Transit, and Bishop Airport
 - b. Summer Taxes consist of: all County and School Taxes
4. Unit Operating and Police Millage are the only two (2) monies that have stayed in Flushing Township.
5. Mid 1980's - residents voted for "Unit Operating" which would consist of the Township General Operating Fund.
6. 1990 - **LIEPMANN** made a motion to reduce the mills from 1.04 to ½ mill and was approved by the Board of Trustees; the millage has remained at one-half (½) mill for over twenty (20) years. The one-half (½) mill has brought in \$148,000.
7. 1995 - the people in Michigan approved Proposal A which capped what is now called the *taxable value*. (*This is Not a Bill Brochure*).
8. 1995 - the assessed value was capped and was called *taxable value*; as the value of homes have increased, the *assessed value* was increased but the *taxable value*, by State law, required only to be increased up to the cost of living or five (5%) percent, whichever was less.
9. The average taxpayer in Flushing Township is currently paying \$40.05 for general operating.

10. The majority of the income to operate Flushing Township comes from *State Shared Revenue*.
11. Flushing Township's Fiscal Budget Year extends from April 1 to March 31.
12. The 2009 Budget (April 1, 2008 to March 31, 2009) has to be approved at the current meeting.
13. The State Shared Revenue would be reduced by \$40,000 (per the State of Michigan).
 - a. two (2) types of State Shared Revenue
 1. *Constitutional* – A portion of sales tax is allocated by the State to townships, cities, villages, and small towns for operating.
 2. *Statutory* – the State can do anything they want with the funds.
14. Lights at Large would be assessed at \$12.00 per improved parcel (if there was a parcel without a home constructed on the parcel, it would not be included) and would bring in \$44,000; the monies would make up for the shortfall in the budget.
15. Flushing Township has to deal with State Mandates (the township has to take care of the issue but the State is not going to pay the township to take care of the issue):
 - a. Surface Water Management Control
 - b. Building Department (State required there be a separate Fund for the Building Department).
16. Roads are the responsibility of the Road Commission in the State of Michigan; the townships could not take care of such issues as paving, repairs for pot-holes, etc.
 - a. Summer of 2006 - limestone was placed on all the gravel roads in Flushing Township for a total of \$275,000.
17. it is recommended that townships have a six-month (6) Fund Balance to get through the year; Flushing Township is down to three and one-half (3 ½) to four (4) months in the Fund Balance. The township is required to have funds to last from April 1 through December to fall back on in order to pay the bills until the Winter Tax payments start arriving.

ISSUE AT HAND:

Does the Township have a Special Assessment of \$12.00 a year for paying the electric bill for all the lights in the township?

- a. 1993 - there was a Lights at Large Special Assessment for subdivision lights.
- b. 2007 - street lights were located at most of the main intersections and along the primary routes; at entrances to subdivisions; a few caution lights; and one (1) stop light.
- c. the projected \$44,000, would be the cost to Consumers Energy for all the lights.
- d. to make the issue fair to all, Flushing Township decided to have the \$12.00 placed on improved parcels only (those with a house).
- e. 1 mill equals \$1.00 per thousand of taxable value; Example: Taxable Value of \$100,000 with 40 mills would be \$4,000.
- f. sixty (60%) percent of the lights are in subdivisions; forty (40%) percent are outside subdivisions.

FACTS CONCERNING MILLS:

1. five (5) cities levy 40 mills or more
2. four (4) cities levy 35 mills or more
3. ten (10) townships levy 30 mills or more
4. eight (8) townships levy 25 to 30 mills

Flushing Township would fall in Number 4!

CONCLUSION:

There are only four (4) ways to make up for the shortfall of State Shared Revenue:

- 1. Lights at Large - \$12.00 per improved parcel
- 2. .2 mill increase
- 3. reduction in Fund Balance
- 4. hope to make it through without having to do any of the first three items.

COMMENTS FROM THE AUDIENCE:

Due to many Flushing residents being opposed to the \$12.00 proposed special assessment, the Flushing Township Board of Trustees decided to hold off assessing the township residents for Lights at Large for a period of one (1) year.

CORRESPONDENCE:

- 1. There were fifteen (15) letters received:
 - a. two (2) letters were not concerned about the \$12.00 but concerned about the unimproved parcels (parcels without any homes).
 - b. one letter was from a gentleman who was concerned because he owned an improved parcel and several unimproved parcels.
 - c. the remaining twelve (12) letters were opposed for various reasons.

LIEPMANN felt the Board could decline a motion to have the proposed special assessment for Lights at Large; wait until the end of the current fiscal year and review the status of the Fund Balance and based on whether it was above the \$450,000, review what the township would absolutely have to do to cover the expense with a millage. There could be a possibility the mills could be less than .2.

TROTOGOT recommended the Flushing Township Board set aside the Lights at Large special assessment for one (1) year.

8:35 P.M. – PUBLIC HEARING CLOSED

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8:36 P.M. – PUBLIC HEARING OPENED – Truth in Budgeting Tax Calculations

**TRUTH IN BUDGETING NOTICE
CHARTER TOWNSHIP OF FLUSHING
GENESEE COUNTY**

The Charter Township of Flushing Board of Trustees will hold a Public Hearing on the proposed township budget for fiscal year 2008 at Flushing Township Hall, 6524 N. Seymour Road, Flushing, Michigan 48433 on September 13, 2007 at 7:00 p.m. ***THE PROPERTY TAX MILLAGE RATE PROPOSED TO BE LEVIED TO SUPPORT THE PROPOSED BUDGET WILL BE A SUBJECT OF THIS HEARING.** A copy of the budget and the tax calculations will be available for public inspection at the above location during normal business hours. This notice complies with state statutes MCL 141.436 and MCL 211.24E.

Carl G. Liepmann
Treasurer

*This notice shall be printed in 11 point bold fact type.

LIEPMANN MOVED, seconded by Fotenakes for approval of the Truth in Budgeting Tax Calculations.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

LIEPMANN stated the budget had a projected income of \$1,142,625; projected expenditures were \$1,131,025. There would be a \$11,600 positive budget. **LIEPMANN MOVED**, seconded by Reed to approve the Budget as presented.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

8:45 P.M. – PUBLIC HEARING CLOSED

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UNFINISHED BUSINESS:

None

NEW BUSINESS

1. Sewer Rate Study

Earlier in the year, the Board of Trustees commissioned Inland Seas Engineering to do an engineered study of the water and sewer rates since an engineered study has not been done in approximately fifteen (15) years.

DEFINITIONS:

Sewer = is based upon the amount of water that is used; if an individual used a certain amount of water, then the sewer rate would be based on that amount.

After the Sewer Rate Study, it was determined there were only fifteen (15) residents in the township who have sewer without water; the recommendation from the Study was to charge \$58.50 for those residents. It did not seem fair to have some residents' sewer rates increased by a couple of dollars a month and other residents' statements increased from \$37.00 to \$58.00.

LIEPMANN MOVED, seconded by Fotenakes to reduce the charge for "sewer only" customers from \$58.00 to \$45.00 every two (2) months.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

2. Approval for Supervisor and Clerk to Sign the Interjurisdictional Agreement for Sewer with the Genesee County Water and Waste Services

TROGOTOG requested permission for the Supervisor and Clerk to sign the *Interjurisdictional Agreement*. **REED MOVED**, seconded by Minaudo to allow the Supervisor and Clerk to sign the *Interjurisdictional Agreement for Sewer in the Genesee County Water and Waste Services*. MOTION CARRIED.

3. Approval for the Supervisor and Clerk to Sign the Amendment to the 2001 Water and Sewer Systems Agreement

TROGOTOG requested permission for the Supervisor and Clerk to sign the *First Amendment to Amend and Restatement of Genesee County Sanitary Sewage Disposal Systems No. 1, No. 5, No. 6 et al* **AND** the *First Amendment to Amend and Restatement of Genesee County Water Supply System – Southern Loop Section Contract*.

LIEPMANN MOVED, seconded by Fotenakes to approve the Amendments to the 2001 Water and Sewer Systems Agreement. MOTION CARRIED.

4. First Reading of Amendments to Section 12-63(3) “Recreational Vehicles”
ATTORNEY STEVE MOULTON (ATTORNEY MOULTON) suggested **three (3) alternates** as possible for consideration by the Board for Section 12-63(3) which concerned recreational vehicles. **ATTORNEY MOULTON** stated that if one of the possibles was appropriate for the ordinance, the Board could proceed to the First Reading, otherwise if the Board would like for **ATTORNEY MOULTON** to further review the issue, he could review the issue further and report back to a future Board meeting.

THE CURRENT LANGUAGE FOR SECTION 12-63(3):

- (3) No owner, occupant, or possessor of land within the Township shall keep or permit to be kept at any time on such parcel, any recreational vehicle unless the recreational vehicle is properly stored, kept in the rear or side lot of the parcel or on the driveway of the premises for a period of appropriate seasonal use not to exceed ninety (90) days.

First Alternate:

- (3) No owner, occupant, or possessor of land within the Township shall keep or permit to be kept at any time on such parcel, any recreational vehicle unless the recreational vehicle is properly stored, kept in the rear or side lot of the parcel or on the driveway of the premises for a period of appropriate seasonal use not to exceed a total of ninety (90) days in a calendar year.

Second Alternate:

- (3) No owner, occupant, or possessor of land within the Township shall keep or permit to be kept at any time on such parcel, any recreational vehicle unless the recreational vehicle is properly stored, kept in the rear or side lot of the parcel or on the driveway of the premises for a period of appropriate seasonal use not to exceed a total of ninety (90) days in a calendar year. Any recreational vehicle exceeding 20 foot in length may not be kept on a driveway for a period exceeding 14 days, unless the lot on which the vehicle is kept is at least 1 acre in area.

Third Alternate:

- (3) No owner, occupant, or possessor of land within the Township shall keep or permit to be kept at any time on such parcel, any recreational vehicle unless the recreational vehicle is properly stored, kept in the rear or side lot of the parcel or on the driveway of the premises for a period of appropriate seasonal use not to exceed a total of ninety (90) days in a calendar year. A recreational vehicle may be kept on a driveway, provided the vehicle is a minimum of 100 feet from any window or door of any residence adjoining or across the street from the property where the vehicle is kept.

DISCUSSION:

- **PRATT** stated he had a problem with the ninety (90) days because, in his mind, he had felt there needed to be about one-half (1/2) year to accommodate a spring and fall season.
- **REED** wanted to know if the person would be entitled to both seasons, not one or the other?
- **PRATT** stated that when he saw “appropriate seasonal use”, what he felt the Board was going to do was state “the appropriate seasonal use for that vehicle would be when the vehicle was used”, summer and fall, and since there are two (2) seasons at ninety (90) days each, it would be one-half year.
- **LIEPMANN** stated the township was not going around patrolling the streets to see who had a motor home and who didn’t. If someone complained that his neighbor had a motor home and the resident couldn’t see out his bedroom window, then the Township would go out and investigate.

- **TROTOGOT** stated the problems were usually within subdivisions where the residents didn't have any place to park the vehicle other than in the driveway. Would people have to store their vehicles at their own expense?
- **ATTORNEY MOULTON** stated that if anyone felt the Township had overstepped their (Townships) bounds, the resident could challenge the constitutionality of the ordinance.
- **FOTENAKES** stated Third Alternate was ninety (90) days in a calendar year but if there were no objections and the vehicle was one hundred (100) feet, there should not be any problems.
- **PRATT** stated he had to think of the residents in the subdivision that used his camper in the summer (June, July and August) to camp with his family, and then again when he goes up North deer hunting in the winter (October and November). If the vehicle was stored and not accessible at his home, it would be ninety (90) days.
- **ATTORNEY MOULTON** recommended focusing on a more restrictive time period for the larger items and a less restrictive time period for the smaller vehicles such as jet skis, small boats, etc.
- **REED** stated that if a person could store their recreational vehicle in their driveway for ninety days (90) days and if the person goes up North for sixty (60) days, they would have another sixty (60) days to store the vehicle at home.

It was determined that the Board would review the issue and bring the matter back to the Board of Trustees Meeting on October 11, 2007.

COMMITTEE REPORTS:

None

REPORTS:

Building Inspector's Report: Reviewed and Approved.

BUILDING PERMITS ISSUED:

| | | |
|--|----|---------------|
| NEW HOMES | | 1 |
| ACCESSORY BUILDINGS | | 1 |
| DECKS | | 2 |
| REMODELING | | 0 |
| ADDITIONS | | 0 |
| GARAGES | | 1 |
| FENCE PERMITS | | 3 |
| ROOF REPAIR | | 0 |
| POOL | | 1 |
| COMMERCIAL | | 0 |
| SIGN | | 0 |
| TOTAL PERMITS ISSUED | | 9 |
| PERMIT VALUATION FOR AUGUST 2006 | \$ | 293,480 |
| PERMIT VALUATION FOR AUGUST 2007 | | 140,185 |
| PERMIT FEES COLLECTED FOR AUGUST 2007 | | \$ 822 |
| 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 |
| FOR A TOTAL OF | \$ 922 |
| CONSTRUCTION TO DATE AUGUST 2006 | 5,014,601 |
| CONSTRUCTION TO DATE AUGUST 2007 | 1,809,730 |
| FOR A DECREASE OF | \$ 3,204,871 |

PUBLIC COMMENTS:**9:05 P.M. OPEN FOR PUBLIC COMMENTS**

1. **RON FLOWERS -**
 - a. **Flushing Area Senior Center -** “received a report that the van for the Flushing Senior Center (Center) should be ready by November; the Center membership has been increasing from nine (9) to twelve (12) people per month; the Center is now open four (4) additional hours per day – from 4:00 p.m. until 9:00 p.m. – five days per week; the “*Front Row Follies Goes South*” will be taking place on October 12 and 13 at the William Tunncliff Auditorium, Flushing High School. Tickets are available by contacting the Flushing Area Senior Center.”
 - b. **Genesee County Metropolitan Planning Commission -** “the *Long Range Transportation Plan for 2025* should be ready next week for final approval.”
 - c. “would it be possible to get the hydrant flushed out front of his home as there has been a lot of black marks on the clothes after the laundry has been done.” LIEPMANN will contact the Flushing Fire Department.

9:07 P.M. CLOSED FOR PUBLIC COMMENTS**BOARD COMMENTS:**

1. **FOTENAKES** would like to have the *Probationary Period* information which she obtained from Michigan Townships Association (MTA) placed in the Charter Township of Flushing Policies and Procedures Manual. **TROTOGOT** stated the Policies and Procedure Manual would be brought to the October 11th Board of Trustees Meeting but would not be finalized until the November 8th Board Meeting.
2. **REED** stated the “*Public Servant Sunday*” at Trinity Baptist Church, Flushing, Michigan, held on Sunday, September 9, 2007 was wonderful. All the songs that were sung, including the songs by the Choir were patriotic songs. Each official was introduced to the audience and given a plaque that stated “*In Honor of Your Dedicated Service to our Community – Thank You*”; the officials also received a beautiful Bible. At the conclusion of the service, everyone received a big “Thank You.”
3. **REED** stated she had talked with Carol Arvoy, Chairperson of the Senior Advisory Board, at the Municipal Clerk’s Meeting (September 13, 2007). Carol mentioned things were getting more organized to where the Senior Centers could get their money faster. More activities have been planned for each Center. **REED** stated District 9 Board of Commissioner Rose Bogardus was no longer on the Senior Center Advisory Board.

THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, OCTOBER 11, 2007 AT 7:00 P.M.

ADJOURNMENT: There being no further business matters, the Supervisor adjourned the meeting at 9:10 p.m.

JULIA A. MORFORD, Clerk

ANDREW TROTOGOT, Supervisor

APPROVED DATE: _____

09/13/07 Regular