

CHARTER TOWNSHIP OF FLUSHING

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

DATE: SEPTEMBER 24, 2009 TIME: 7:00 P.M.

PHONE: 810-659-0800 FAX 810-659-4212

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

ADMINISTRATION MEMBERS

SUPERVISOR: Donald A. Schwieman
CLERK: Julia A. Morford
TREASURER: William J. Noecker

TRUSTEES

Michael S. Gardner
Scott R. Matzke
Scott P. Minaudo
Mark H. Purkey

TOWNSHIP ATTORNEY:

STEVEN MOULTON
Cooley Moulton & Smith LLP
727 S. Grand Traverse Street
Flint, Michigan 48502

MEETING CALLED TO ORDER at 7:00 p.m. by **SUPERVISOR DONALD A. SCHWIEMAN (SCHWIEMAN)** with Roll Call and the Pledge of Allegiance to the American Flag. The Board Meeting was held at the Flushing Township Hall.

ROLL CALL: Schwieman, Morford, Noecker, Gardner, Matzke, Minaudo, Purkey, and Attorney Steve Moulton

MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Seventy-two (72) other individuals were present.

APPROVAL OF THE AGENDA: PURKEY MOVED, seconded by Morford to approve the agenda as presented

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Gardner, Matzke, Minaudo, Purkey, Morford, Noecker, and Schwieman

NAYS: 0 MOTION CARRIED.

UNFINISHED BUSINESS:

1-a. Police Chief Employment Resumes Update

It was determined that all the Board Members needed more time to review the thirty-five (35) resumes reduce the number of applicants to ten (10). The qualifications from the resumes were great. The top ten (10) resume list would be determined at the October 8, 2009 Board of Trustees meeting.

1-b. Local Road Agreement – Granrich Estates 1 & 2

It was determined that due to the uncertainty of the State of Michigan at this time, the \$67,000 Granrich Estates Road Project would be delayed until next year.

It was unclear as to the type of drainage issue where some of the houses were connected into and other house were dumping water into the road. The Genesee County Road Commission (Road Commission) was concerned about the road which was causing driveways to cave in. The price of \$4,000 plus hook up per home was quoted to fix the situation. The plan was to have everyone that wanted to, be able to hook up to the storm drain.

The problem involved old curb and gutters with sump pumps that pumped water into the street which then had to flow down the street to a catch basin. The water gets

under the asphalt and cracks and freezes. In newer developments there is a ten (10) foot lead for every house which is tied into the system. The Road Commission would like to provide the newer development which is the \$67,000.

In connection with the rods, the Clerk mentioned, that while in Washington D.C. , House Bill 3007 has been introduced that would be similar to the old General Revenue Bill. The bill would be for the years 2009 – 2011. More details will follow.

1-c. New Outdoor Service for Three (3) Golf Holes Located in Flushing Township in Conjunction with Flushing Valley Golf and Country Club

BACKGROUND HISTORY:

Attorney Seth Tompkins who represents FVGC and Associates LLC, was appointed receiver of the day-to-day operations for Flushing Valley Golf Club by the Genesee County Circuit Court. The club has been a private club for thirty (30) plus years but recently foreclosed and taken over by SPCP. The request would be to turn the Golf and Country Club into a public venue to be able to use the facilities, dinner, and a glass of wine. Under the existing (Club) license the Club can only sell to private club members and cannot be open to the public.

PROPOSED REQUEST:

The proposed request would be to replace the existing license with a new Class C (bar, restaurant, golf course) license which would open the Club to the general public. The operation of the club would remain the same but one would not have to be a member of the Club to dine/golf. Because a small portion of the Golf Course extends into the Township, approval would be needed for the golfers, who purchase a beverage from the golf cart or the club house, to go over the bridge into the Township.

Currently Flushing Township is a dry township as to liquor by the glass.

OPINION FROM THE TOWNSHIP ATTORNEY:

After much review, in the past under the existing statute that came into play in 1998, the board has had the authority if it wanted to adopt, by resolution, to make Flushing a “not dry township” in the future. It was thought the issue had to go before the electors for a vote. Under the statute of 1998, the vote could go either way – the board or the electors. The issue is much narrower.

If the alcohol being sold and consumed by the glass and sold in the City of Flushing, could alcohol also be taken across the boundary line? “Yes”, because the sale did not originate in the Township. The point of sale and consumption together would be the issue. If the point of sale was in the City pursuant to a valid license issued by the Michigan Liquor Commission, the open beverage taken into the township would require the township to not convert from a “dry” township.

OUTDOOR SERVICE PERMIT:

Attorney Tompkins stated the issue with the Michigan Liquor Control Commission would deal with the outdoor service permit request. If there was an outdoor patio restaurant, it would be the same type of permit as the permit would cover the entire outdoors where the alcohol could be taken outdoors.

Concerns: 1) the Resolution would only deal with the Flushing Valley Country Club; 2) there wouldn't be any liquor sold outside of the City; 3) there wouldn't be any hinderance to the Country Club; 4) the Class C license had to be purchased because there were only so many Class C licenses; 5) years ago, it never occurred that part of Flushing Valley Golf and Country Club was in the Township; 6) the address of the liquor license holder would be in the City; 7) the Country Club would be requesting an “outdoor service permit”; 8) the only thing Flushing Township would be doing was letting the Golf Club have outdoor consumption of alcohol beverages in one small portion of the township which would not effect liquor licenses anywhere else in the township; 9) the permit is an “add on” to the license; 10) the Class C License would be issued through the City of Flushing; 11) the State has control over the liquor license; 12) the point of sale would be through the City and would not violate the ordinance to grant permission for the “outdoor service permit”; 13) the “outdoor service permit” would be what was being requested

from the township and there wouldn't be any changes/differences; 14) the practices of Flushing Township would not be changed now nor any practices in the future as to liquor licenses .

All the details have been checked out by the Interim Flushing Township Police Chief.

PURKEY MOVED, seconded by Matzke to recommend approval of the Michigan Liquor Control Commission Resolution, separate from a dry or wet township, of the "outdoor service permit" as requested by the Flushing Valley Golf and Country Club.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Matzke, Minaudo, Purkey, Morford, Noecker, Schwieman, and Gardner

NAYS: 0 MOTION CARRIED.

1-d. Approval of Department of Homeland Security's Federal Emergency Management Agency (FEMA) Floodplain Management Measures

The entire country, state, and county has been mapped; several years ago the Federal Emergency Management Agency (FEMA) took over the enforcement of floodplains. Areas within the township have been designated as floodplain areas. As part of the State Construction Code the floodplain maps have to be adopted. Anytime a building permit or certain development is requested, the maps have to be consulted by whoever is reviewing the application for the permit and make a determination that whatever is being proposed will not be built in the floodplain areas. Every municipality has to receive the updated floodplain maps which had been received by the former building inspector.

Due to a time frame, the most recent maps have to be approved, and since Flushing Township doesn't have a building inspector, someone has to be designated by separate ordinance, an entity to oversee the FEMA required floodplain maps and developmental regulations. The State of Michigan has been designated as Flushing Township's Building Inspector.

A form ordinance was prepared by the State for municipalities to adopt that implemented the State as the designated agent for the FEMA part of the State Construction Code. By separate resolution, the State will be acting as Flushing Township's Agent and the resolution will be signed on behalf of the township and the appropriate representative on behalf of the State.

Two (2) issues have to be resolved: 1) Adoption of the ordinance and proceed with the Resolution so Flushing Township is in compliance with the Federal laws with regards to implementing the current flood plain maps. All information becomes significant to the township residents because to qualify for flood insurance, which every real estate agent requires, or to not have insurance, the details are included on the maps.

MINAUDO MOVED, seconded by Purkey to approve the first reading of the ordinance which includes the following amendments: amends Section 528 of the existing Code of Ordinances and adds four (4) subsections; adopts the current flood plain maps; enters the State of Michigan as the enforcing agent; and makes the flood plain maps part of the State Construction Code.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Minaudo, Purkey, Morford, Noecker, Schwieman, Gardner, and Matzke

NAYS: 0 MOTION CARRIED.

MINAUTO MOVED, seconded by Matzke to authorize the Supervisor to sign the Resolution, on behalf of the Township, submitted to the State of Michigan for signature on behalf of the State.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Purkey, Morford, Noecker, Schwieman, Gardner, Matzke, and Minaudo

NAYS: 0 MOTION CARRIED.

1-e. METRO Act Right of Way Extension

NOECKER MOVED, seconded by Matzke to approve the METRO Act Right of Way Extension.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Morford, Noecker, Schwieman, Gardner, Matzke, Minaudo, and Purkey

NAYS: 0 MOTION CARRIED.

1-f. Credit Card for Park Coordinator \$200

MATZKE MOVED, seconded by Purkey to approve a \$200 credit card for the Park Coordinator.

DISCUSSION:

1. Which card would be preferred, the Debit or Credit?
2. What is the purpose of the Park Manager, Building Inspector, and Assessor having a credit card?
3. Could the Park Coordinator have a pre-paid card?

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Noecker, Schwieman, Gardner, Matzke, Minaudo, Purkey, and Morford

NAYS: 0 MOTION CARRIED.

1-g. Payment of Past Due Bills:

1. Election Cost (August Hurley Statement)

PURKEY MOVED, seconded by Minaudo to pay the Election bill and then send the bill to the Genesee County Board of Commissioners.

DISCUSSION:

1. The township is stuck with paying the Election Bill.
2. Recommended to pay the bill and then send an invoice to the Genesee County Board of Commissioners. The Supervisor should contact County Commissioner Archie Bailey and have him come to the next meeting and explain the status of reimbursing the townships.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Schwieman, Gardner, Matzke, Minaudo, Purkey, Morford, and Noecker

NAYS: 0 MOTION CARRIED

2. Stanley Road Waterline (County)

PURKEY MOVED, seconded by Minaudo to pay the Stanley Road Waterline bill (\$4850.25) to the Genesee County Water and Waste Division.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Gardner, Matzke, Minaudo, Purkey, Morford, Noecker, and Schwieman

NAYS: 0 MOTION CARRIED

3. Miss Dig Contract (County)

MATZKE MOVED, seconded by Morford to pay the Miss Dig Contract Statement to the Genesee County Water and Waste Division at a rate of \$650 per month.

DISCUSSION:

1. It was suggested the Bids Committee obtain bids from other possibilities for the Miss Dig Service.
2. Flushing Township had opted out of having Genesee County do the maintenance service for Flushing Township.
Flushing Township receives four (4) services from the Genesee County Water and Waste:
 - a. Water Service
 - b. Sewer Service
 - c. Miss Dig Service
 - d. Other Miscellaneous Services
3. The previous Board decided to hire Mid-Michigan Manufacturing Services to perform the Miss Dig Services due to there being a lower cost to the Township.
4. The Flushing Township sewer contractor doesn't do the water services.
5. It was recommended to have Genesee County give the Township the number of times per month they go out and do maintenance.
6. Was there legal grounds for not paying a bill that had not been billed for three (3) years and suddenly started appearing. (Per the Township Attorney, contractual services are subject to a six (6) year Statute of Limitations)

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Matzke, Minaudo, Purkey, Morford, Noecker, Schwieman, and Gardner

NAYS: 0 MOTION CARRIED

4. Outdoor Burn Costs (City of Flushing)

It was recommended that the Bids Committee get in contact with the City of Flushing and see if anything could be resolved with the fire run issues. The Township Attorney will review the issue and get back with the Board at the next meeting.

5. INC Power Point Presentation

MORFORD MOVED, seconded by Matzke to pay the \$150 for revised computer services.

DISCUSSION:

1. Previously the supervisor had paid \$500 for a powerpoint presentation regarding the 7-Step System. The \$150 is a revised cost to add slides.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Minaudo, Purkey, Morford, Noecker, Schwieman, Gardner, and Matzke

NAYS: 0 MOTION CARRIED

1-h. Legal Expense Report to the Board – Trustee Gardner

1-i. Legal Expense Report to the Board – Treasurer Noecker

A discussion was held regarding the extent of calls to the Township Attorney and the Labor Attorney for which the legal costs have been at a large amount.

9:10 P.M. - PUBLIC COMMENTS OPEN:

Five (5) people gave their Opinions

9:20 P.M. - PUBLIC COMMENTS CLOSED

THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, OCTOBER 8, 2009 AT 7:00 P.M.

ADJOURNMENT: Due to no further business items, the meeting was adjourned at 9:22 p.m.

JULIA A. MORFORD, Clerk

DONALD A SCHWIEMAN, Supervisor

APPROVED DATE: _____

09/24/09 Regular z0000059