

# CHARTER TOWNSHIP OF FLUSHING

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

**DATE: APRIL 14, 2016**

**TIME: 7:00 P.M.**

**PHONE: 810-659-0800**

**FAX 810-659-4212**

**WEB PAGE: <http://flushingtownship.com>**

## **ADMINISTRATION:**

**SUPERVISOR:** Rian R. Birchmeier  
**CLERK:** Julia A. Morford  
**TREASURER:** Maryion T. Lee

## **TRUSTEES:**

Shirley D. Gage  
Bonnie Jean Martinson  
Scott R. Matzke  
Scott P. Minaudo

## **TOWNSHIP ATTORNEY:**

STEVEN W. MOULTON PLLC  
6258 W. Pierson Road  
Flushing MI 48433  
810-407-7658

- I. MEETING CALLED TO ORDER** at 7:00 p.m. by **SUPERVISOR RIAN BIRCHMEIER** with Roll Call and the Pledge of Allegiance to the American Flag.
- II. ROLL CALL:** Rian R. Birchmeier, Julia A. Morford, Maryion T. Lee, Shirley D. Gage, Bonnie Jean Martinson, Scott R. Matzke, Scott P. Minaudo, and Attorney Steve Moulton  
**MEMBERS ABSENT:** None

**OTHER INDIVIDUALS PRESENT:** Thirty (30) other interested individuals

## **III. CONSENT AGENDA:**

AGENDA FOR APRIL 14, 2016  
PROPOSED MINUTES FROM REGULAR MEETING HELD ON MARCH 10,  
2016  
PAYMENT OF BILLS

**TRUSTEE MINAUDO MOVED**, supported by Treasurer Lee to approve the agenda.

## **IV. PUBLIC COMMENTS:**

**7:05 P.M. – OPEN FOR PUBLIC COMMENTS**

Eight (8) individuals gave comments

**7:35 P.M. – CLOSED FOR PUBLIC COMMENTS**

**V. UNFINISHED BUSINESS:**

1. Motion to approve the second reading of an ORDINANCE TO PROHIBIT THE DISCHARGE OF A FIREARM OR BB GUN WITHIN DESIGNATED PROXIMITY TO AN APARTMENT DEVELOPMENT, CONDOMINIUM DEVELOPMENT, PLATTED SUBDIVISION, SCHOOL OR OCCUPIED BUILDING; TO DEFINE OCCUPIED BUILDING, TO PROVIDE FOR A SAFETY ZONE AS DEFINED; TO PROVIDE FOR THE SEIZURE AND/OR FORFEITURE OF FIREARMS OR BB GUNS DISCHARGED IN VIOLATION OF THIS ORDINANCE; AND, TO MAKE VIOLATION OF THE ORDINANCE A MISDEMEANOR PUNISHABLE BY 90 DAYS IN JAIL AND/OR A \$500 FINE. – Attorney Moulton – Chief Fairchild

**TRUSTEE MINAUDO MOVED**, supported by Trustee Martinson to remove this item from the agenda as it is currently written and bring back after the Chief has had a chance to gather more information and possibly have an informational meeting in regards to this proposed ordinance.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**MOTION CARRIED UNANIMOUSLY**

**VI. NEW BUSINESS:**

1. The following items may be the subject and possible action of the Board:
  - A. Motion to approve a Resolution (16-7) Pursuant to MCL 41.725 and 41.726 to Confirm Special Assessment Roll to Repair and Repave the Roads in Krystal Creek Subdivision: to Levy Special Assessment; and, to Provide for Installment Payments over Ten Years, and Amend Budget 2016/2017 for construction – Attorney Moulton/Treasurer Lee

**TREASURER LEE MOVED**, supported by Trustee Minaudo to approve Resolution 16-7 as stated below.

CHARTER TOWNSHIP OF FLUSHING  
GENESEE COUNTY, MICHIGAN

RESOLUTION NO. 16-7

A RESOLUTION PURSUANT TO MCL 41.725 AND 41.726 TO CONFIRM SPECIAL ASSESSMENT ROLL TO REPAIR AND REPAVE THE ROADS IN KRYSTAL CREEK SUBDIVISION; TO LEVY SPECIAL ASSESSMENT; AND, TO PROVIDE FOR INSTALLMENT PAYMENTS OVER TEN YEARS

WHEREAS, the Township received a petition signed by the record owners of more than 50% of the parcels in Krystal Creek subdivision requesting the Township create a special assessment district to equally allocate among the Krystal Creek properties the cost to repair and repave the subdivision roads in Krystal Creek; and,

WHEREAS, the Township received from the Genesee County Road Commission an initial estimate of the total cost for the repair and repaving at \$346,250, comprised of \$69,250 in engineering and inspection costs to be paid by the Road Commission, and approximately \$277,000 to be paid by the Krystal Creek property owners by means of special assessment; and,

WHEREAS, the Township Board of Trustees determined the repairs and repaving were both necessary and reasonable under the circumstances, and by resolution adopted January 8, 2015, tentatively approved the special assessment district; and;

WHEREAS, following the mailing of notice to the affected property owners on January 26, 2015, and publication of notice in the Flint Journal on January 25, 2015 and February 8, 2015, in accordance with MCL 41.724a, scheduling public hearing at the offices of the Charter Township of Flushing, 6524 N. Seymour Road, Flushing, Michigan at 6:30 PM on February 12, 2015, to hear objections and concerns regarding to the proposed Special Assessment District; and,

WHEREAS, the Board of Trustees conducted a public hearing pursuant to the aforesaid notice and considered all public comments to the proposed Special Assessment District, together with a description of the improvement and the costs with respect thereto; and, by resolution adopted February 12, 2015, approved creation of the Krystal Creek Special Assessment District and entered into a contract with the Genesee County Road Commission for the repair and repaving of the subdivision roads in Krystal Creek; and,

WHEREAS, the Genesee County Road Commission has determined the project contract cost allocated to the Township are in the amount of \$294,180.65; and,

WHEREAS, a Special Assessment Roll (Exhibit 1) was prepared setting the amount of the total project cost allocated to each of the 72 parcels within the approved special assessment district at \$4086; and,

WHEREAS, the resolution authorizing the special assessment district provided the cost allocated to each parcel could be repaid, with interest of 3% per year, in equal annual installments over 10 years and the Special Assessment Roll so provides; and,

WHEREAS, public hearing was scheduled to hear comments and objections with respect to confirmation of the Special Assessment Roll; and a Notice of Public Hearing (Exhibit 2) and copy of the proposed Special Assessment Roll was mailed by first-class mail to each of the 72 parcel owners on March 22, 2016; Certificate of Service (Exhibit 3); notice of the public hearing (Exhibit 4) was published in the Flint Journal on March 27, 2016 and April 3, 2016; Affidavit of Publication (Exhibit 5);

WHEREAS, following the public hearing, the Board of Trustees has determined to confirm the Special Assessment Roll;

**IT IS HEREBY RESOLVED:**

1. Creation of the Krystal Creek Special Assessment District is hereby reaffirmed with the Special Assessment District to exist through issuance and collection of the Winter 2025, ad valorem property tax bills.

2. The Special Assessment Roll in the form attached to this resolution as Exhibit 1, entitled Krystal Creek Road Repair Special Assessment Roll is confirmed.

3. The Clerk, with the adoption of this resolution, shall confirm the Special Assessment Roll and file or otherwise provide copies of the Special Assessment Roll and authentication of its confirmation to the appropriate taxing authorities.

4. Invoices presented to the Township by the Genesee County Road Commission in accordance with the contract between the Township and the Commission for the repair and repaving of the roads in Krystal Creek shall be paid upon receipt.

5. Appropriate budget line items shall be adjusted or new line items added to the budget to provide for the payment to the Commission of the contract expenses and for the receipt of special assessment payments.

YES: \_\_\_\_\_

NO: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THE RESOLUTION IS DECLARED \_\_\_\_\_ ADOPTED \_\_\_\_\_ NOT ADOPTED

I certify that the foregoing is a true and accurate copy of a Resolution adopted by the Charter Township of Flushing Board of Trustees, Genesee County, Michigan, at its regular meeting held on \_\_\_\_\_, 2016, at the Charter Township of Flushing Hall, 6524 N. Seymour Road, Flushing, Michigan 48433.

\_\_\_\_\_  
Maryion Lee  
Flushing Township Acting Superintendent

Dated:

\_\_\_\_\_  
Julia Morford,

Dated:

**ACTION ON THE MOTION  
ROLL CALL VOTE  
MOTION CARRIED UNANIMOUSLY**

**TREASURER LEE MOVED**, supported by Clerk Morford to approve addition of two new line items to the 2016-17 budget, adding special assessment line item in general fund revenue special assessment at \$29,000 and line item in public service dept. at \$294,000 this will reduce the fund balance \$265,000.

**ACTION ON THE MOTION  
ROLL CALL VOTE:  
MOTION CARRIED UNANIMOUSLY**

- B. Motion to approve the following expenditures for the Flushing Nature Park – Treasurer Lee
- (i) Spring Clean-Up scheduled for Saturday, April 30, 2016 from 9:00 a.m. to 12:00 Noon: Volunteer Luncheon – not to exceed \$300
  - (ii) Purchase of fifty (50) imprinted shirts for resale for the Flushing Township Nature Park.
  - (iii) Reimbursement of monies to Sloan Slagg to frame winning fall and winter Nature Park contest photos and reimburse Ms. Slagg for any other out-of-pocket costs. Monies will come out of Line Item “Marketing and Promotion” (Nature Park)

**TREASURER LEE MOVED**, supported by Trustee Gage to approve the Spring Clean-Up scheduled for Saturday, April 30, 2016 from 9:00 a.m. to 12:00 Noon: Volunteer Luncheon – not to exceed \$300.

**ACTION ON THE MOTION**  
**ROLL CALL VOTE:**  
**MOTION CARRIED UNANIMOUSLY**

**TREASURER LEE MOVED**, supported by Trustee Matzke to purchase fifty (50) imprinted shirts for resale for the Flushing Township Nature Park.

**ACTION ON THE MOTION**  
**ROLL CALL VOTE:**  
**MOTION CARRIED UNANIMOUSLY**

**TREASURER LEE MOVED**, supported by Trustee Minaudo to reimburse monies to Sloan Slagg to frame winning fall and winter Nature Park contest photos and reimburse Ms. Slagg for any other out-of-pocket costs.

**ACTION ON THE MOTION**  
**ROLL CALL VOTE:**  
**MOTION CARRIED UNANIMOUSLY**

- C. Motion to have Attorney Moulton revise Resolution 15-21 to take into consideration Circuit Court Judge Hayman’s judgment regarding the accessibility of our supervisor’s office to Supervisor Birchmeier - Trustee Martinson

**TRUSTEE MARTINSON MOVED** to have Attorney Moulton revise Resolution 15-21 to take into consideration Circuit Court Judge Hayman’s judgment regarding the accessibility of our supervisor’s office to Supervisor Birchmeier.

**TREASURER LEE MOVED TO AMEND THE MOTION**, supported by Trustee Gage that in recognition of Circuit Court Judge Hayman’s opinion the following wording will be attached to the beginning of Resolution 15-21 which will read:

Charter Township of Flushing v Rian and Larry Birchmeier  
Case No. 16-106312-CB

On March 21, 2016, Circuit Court Judge Hayman made two decisions.

First, Judge Hayman stated that the board acted within its authority in delegating the MCL 42.10 duties to a superintendent and that those duties could be allocated to the township treasurer as acting superintendent.

Secondly, Judge Hayman denied the motion for preliminary injunction stating he did not believe he had the authority to enforce the provision in the resolution which prohibits the supervisor and deputy supervisor from being at the township offices during designated hours.

**TRUSTEE MARTINSON MOVED TO AMEND THE AMENDED MOTION**, supported by Trustee Minaudo to attach the written order from Judge Hayman to Resolution 15-21 and that will be kept in our files.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Minaudo, Birchmeier, Matzke, Martinson and Morford

**NAYS:** Gage and Lee

**MOTION CARRIED**

- D. **CLOSED SESSION** – Motion to go into Closed Session according to Section 8C of the Open Meetings Act to Consider Negotiations and Strategies in Regards to Collective Bargaining Agreements. – Treasurer Lee
- (i) Consideration of Negotiation of the Pending Bargaining Agreement with Teamsters Local 214.
  - (ii) Consideration of the Negotiation of the Pending Contract with Chief Brian Fairchild
  - (iii) Respond to Hal Telling, Police Officers Labor Council Representative’s Letter requesting to Open Contract Negotiations.

**TREASURER LEE MOVED**, supported by Clerk Morford to go into Closed Session according to Section 8C of the Open Meetings Act to Consider Negotiations and Strategies in Regards to Collective Bargaining Agreements.

- (i) Consideration of Negotiation of the Pending Bargaining Agreement with Teamsters Local 214.
- (ii) Consideration of the Negotiation of the Pending Contract with Chief Brian Fairchild
- (iii) Respond to Hal Telling, Police Officers Labor Council Representative’s Letter requesting to Open Contract Negotiations.

**ACTION ON THE MOTION  
ROLL CALL VOTE:  
MOTION CARRIED UNANIMOUSLY**

**ADJOURNED TO CLOSED SESSION AT 8:08 P.M.**

**TRUSTEE MINAUDO MOVED**, supported by Trustee Martinson to return from closed session at 9:02 P.M.

**ACTION ON THE MOTION  
ROLL CALL VOTE:  
MOTION CARRIED UNANIMOUSLY**

**TREASURER LEE MOVED**, supported by Clerk Morford to approve 22:2 – Video/Audio Surveillance proposed language to be added to the contract as presented last month.

**ACTION ON THE MOTION  
ROLL CALL VOTE:  
AYES:** Morford, Lee, Gage, Matzke and Minaudo  
**NAYS:** Birchmeier and Martinson  
**MOTION CARRIED**

**VII. REPORTS:**

1. Supervisor's Report – No report given
2. Flushing Township Police Department– Chief Fairchild
3. Flushing Fire Department – No report given
4. Flushing Area Senior Center – Clerk Morford
5. Financial Report for March 2016 – Treasurer Lee
6. Superintendent's Report – Superintendent/Treasurer Lee

**VIII. COMMITTEE REPORTS:**

1. MTA Genesee County Chapter Report for March-None - Trustee Martinson

**IX. PUBLIC COMMENTS:**

There were no public comments

**X. BOARD COMMENTS:**

Comments were heard from Trustee Martinson, Clerk Morford, Supervisor Birchmeier, and Treasurer Lee.

**XI. NEXT REGULAR MEETING: THURSDAY, MAY 12, 2016 AT 7:00 P.M.**

**XII. ADJOURNMENT:** Meeting adjourned at 9:45 P.M.

\_\_\_\_\_  
JOYCE A. WILSON, Deputy Clerk for Julia A. Morford, Clerk

\_\_\_\_\_  
RIAN R. BIRCHMEIER, Supervisor

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

04/14/2016 Regular Min