

# CHARTER TOWNSHIP OF FLUSHING

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

DATE: AUGUST 11, 2016

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

WEB PAGE: <http://flushingtowship.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 **CLERK JULIA MORFORD** with Roll Call and the Pledge of Allegiance to the American Flag.
- II. **ROLL CALL:** Julia A. Morford, Maryion T. Lee, Shirley D. Gage, Scott Matzke, Bonnie Jean Martinson, Scott P. Minaudo, and Attorney Steve Moulton  
**MEMBERS ABSENT:** Rian Birchmeier

**OTHER INDIVIDUALS PRESENT:** Thirteen (13) other individuals present

**CLERK MORFORD MOVED**, supported by Trustee Gage to appoint Treasurer Lee to chair the meeting.

## ACTION ON THE MOTION

**ROLL CALL VOTE:**

**MOTION CARRIED**

**ABSENT:** Rian Birchmeier

Text below in *Italics* is a correction to the minutes made at the September 8, 2016 meeting:  
**TREASURER LEE MOVED**, supported by Trustee Gage to accept the amended agenda.

## *ACTION ON THE MOTION*

*ROLL CALL VOTE:*

*MOTION CARRIED*

*ABSENT:* Rian Birchmeier

**TRUSTEE MARTINSON MOVED**, supported by Clerk Morford to move the consent agenda, approval of minutes and payment of bills, to Items F and G respectively under New Business.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**MOTION CARRIED**

**ABSENT:** Rian Birchmeier

**III. PUBLIC COMMENTS**

**7:14 P.M. OPEN FOR PUBLIC COMMENTS**

One person gave comment

**7:16 P.M. CLOSED FOR PUBLIC COMMENTS**

**IV. UNFINISHED BUSINESS**

1. Motion to approve the Second Reading of an ORDINANCE TO AMEND AND RESTATE THE “NOXIOUS WEED” ORDINANCE, SECTIONS 19-36 THROUGH 19-43 OF THE CODE OF ORDINANCES; TO REQUIRE PROPERTY OWNERS AND OCCUPANTS TO CONTROL NOXIOUS WEEDS AND OTHER VEGETATION; TO AUTHORIZE THE TOWNSHIP TO CONTROL NOXIOUS WEEDS AND OTHER VEGETATION; TO CHARGE THE COSTS TO THE OWNER OR OCCUPANT; AND, TO ASSESS THE COSTS TO BE COLLECTED WITH THE AD VALOREM PROPERTY TAXES – Attorney Steve Moulton/Chief Brian Fairchild

**TRUSTEE MINAUDO MOVED**, supported by Trustee Matzke to approve the Second Reading of an ORDINANCE TO AMEND AND RESTATE THE “NOXIOUS WEED” ORDINANCE, SECTIONS 19-36 THROUGH 19-43 OF THE CODE OF ORDINANCES; TO REQUIRE PROPERTY OWNERS AND OCCUPANTS TO CONTROL NOXIOUS WEEDS AND OTHER VEGETATION; TO AUTHORIZE THE TOWNSHIP TO CONTROL NOXIOUS WEEDS AND OTHER VEGETATION; TO CHARGE THE COSTS TO THE OWNER OR OCCUPANT; AND, TO ASSESS THE COSTS TO BE COLLECTED WITH THE AD VALOREM PROPERTY TAXES.

PUBLIC NOTICE  
CHARTER TOWNSHIP OF FLUSHING  
GENESEE COUNTY, MICHIGAN  
ORDINANCE NO. 103-16

AN ORDINANCE TO AMEND AND RESTATE THE “NOXIOUS WEED” ORDINANCE, SECTIONS 19-36 THROUGH 19-43 OF THE CODE OF ORDINANCES; TO REQUIRE PROPERTY OWNERS AND OCCUPANTS TO CONTROL NOXIOUS WEEDS AND OTHER VEGETATION; TO AUTHORIZE THE TOWNSHIP TO CONTROL NOXIOUS WEEDS AND OTHER VEGETATION; TO CHARGE THE COSTS TO THE OWNER OR OCCUPANT; AND, TO ASSESS THE COSTS TO BE COLLECTED WITH THE AD VALOREM PROPERTY TAXES

THE CHARTER TOWNSHIP OF FLUSHING ORDAINS:

Sections 19-36 through 19-43 of the Code of Ordinances are amended by deletion of the existing language, which is replaced in its entirety, as follows:

19-36. Definitions. The following words, terms and phrases shall have the meanings stated below, except where the context clearly indicates a different meaning and, unless otherwise indicated, reference to “Ordinance” means Sections 19-36 through 19-43 of the Code of Ordinances:

“Noxious Weeds” Noxious weeds means the species of plants identified in MCL 247.62 and any other species of vegetation determined by the Township as constituting a common nuisance.

“Season” Season means, in each calendar year, March 1 through September 30.

“Uncontrolled Vegetation” means:

(i) any growth whether naturally occurring or intentionally planted which restricts or interferes with the view of any motorist of oncoming motor vehicle or pedestrian traffic in either direction at an intersecting public street or road when the motorist is within 50 feet of the edge of the main traveled portion of intersecting road or street;

(ii) any growth whether naturally occurring or intentionally planted growing in or in proximity to any ditch, drain, culvert or other drainage feature, which impedes drainage or impairs the maintenance of the ditch, drain culvert or other drainage feature.

(iii) any growth of noxious weeds or grasses or a combination thereof whether naturally occurring or intentionally planted in any front, side or rear yard of any residential property which exceeds a height of 10 inches or more, if such growth occurs within 150 feet from nearest edge of the road right-of-way on which the property fronts.

(iv) the accumulation of brush, dead weeds, grass or vegetation, except in the rear yard, to be composted or otherwise properly disposed of.

19-37. Responsibility of Owner and Occupant. No person owning any lands or premises, whether occupied or unoccupied, nor any person occupying any lands or premises, shall permit or maintain on any such lands or premises, any growth of noxious weeds, nor shall the owner or occupant maintain or allow any uncontrolled vegetation on the lands or premises. It shall be the duty of the owner or occupant of all lands and premises along any public street or road or improved street in common usage to cut and remove all noxious weeds and uncontrolled vegetation no later than May 1 of each year and thereafter as may be necessary.

19-38. Notice Requirements.

(i) In the month of March, each year, the Township clerk shall publish a notice in a newspaper of general circulation in the township stating that noxious weeds, weeds and uncontrolled vegetation which are not cut by May 1, may be cut by the Township and the costs charged to the occupant and/or owner and, if not paid, the costs shall be collected and enforced in the same manner as a property tax lien.

(ii) In the event the Code Enforcement Officer or other authorized representative of the Township determines a property is in violation of this Ordinance, notice of the violation shall be sent to the owner of the property, as identified in the Township's tax records. The notice shall be sent by first-class mail setting forth the violation, requiring the owner or occupant to correct the violation within 10 days of the date of the notice, stating if the violation is not corrected within 10 days, the Township may correct the violation and assess costs as provided in this Ordinance. The notice shall state the date of the notice, the property address, the name of the owner as identified from Township tax records, the specific violation and what must be done to correct the violation. Noxious weeds shall be destroyed or removed; uncontrolled vegetation shall be mowed to a height not exceeding 4 inches; and, other uncontrolled vegetation shall be trimmed or removed so as not to interfere with vision at intersecting roads or with the proper drainage or maintenance of ditches, drain culverts or other drainage features.

(iii) It shall not be necessary to send more than one notice, per property, per season; the Township may address subsequent violations of this Ordinance, involving the same property, without providing additional notice.

(iv) Any occupant or property owner who disagrees with the determination of the Code Enforcement Officer and wishes to challenge the asserted violation of this Ordinance must come to the township office and speak with the Code Enforcement Officer within 10 days of the date of the notice of violation.

19-39. If any person fails to comply with a notice of violation, the Township may cause the noxious weeds or uncontrolled vegetation to be mowed or otherwise removed or destroyed. Independent contractors at the direction of the Code Enforcement Officer or Township employees shall have full authority to enter onto the property for purposes of mowing, destroying or otherwise removing noxious weeds and uncontrolled vegetation. If necessary to protect equipment or to enable uniform cutting, rocks, debris and other objects may be moved on the property or removed altogether. The Township may remove and dispose of any mowed grass or weeds, branches or brush and the cost of such disposal shall be included in the total costs charged to the occupant and/or owner.

19-40. Costs. The Township shall keep an account of all expenses incurred with respect to each property entered upon in order to carry out the provisions of this Ordinance. If the work is performed by an independent contractor, Township shall require a written statement of account or invoice for each property. If the work is performed by Township employees, the cost shall be calculated based on the employee time spent, calculated at the employee's hourly rate together with fringe benefits together with a reasonable rate for equipment usage and supplies.

19-41. Collection of Costs. The cost as set forth in section 19-40 shall be invoiced to the occupant and property owner within five days of receipt of the invoice from the independent contractor or within five days of completion of the work if performed by Township employees. Any invoices attributable to a property throughout a season, which are not paid by September 30, shall be turned over to the Township assessor by October 15, to be included as part of the winter ad valorem property tax bill for that year.

19-42. Unless otherwise indicated by resolution of the Board of Trustees, authority to enforce this Ordinance shall rest with the Township=s Code Enforcement Officer or the Township=s Police Department. Violation of this ordinance shall be a municipal civil infraction, subject to a civil fine not to exceed \$100.

19-43. This ordinance shall be immediately effective upon publication.

Adopted the \_\_\_\_ day of \_\_\_\_\_, 2016, by vote of the Charter Township of Flushing Board of Trustees.

Maryion T. Lee, Acting Superintendent

Julia A. Morford, Township Clerk

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**MOTION CARRIED**

**ABSENT:** Rian Birchmeier

**V. NEW BUSINESS:**

1. The following items may be the subject and possible action of the Board:

A. Motion to accept the Audit Report from Plante and Moran – Treasurer Lee

Plante Moran Audit Report for year ending March 31, 2016 was presented to the Board of Trustees by Chrystal Simpson, CPA and Jennifer Haneghan, CPA.

**CLERK MORFORD MOVED**, supported by Trustee Gage to accept the Audit Report from Plante and Moran.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**MOTION CARRIED**

**ABSENT:** Rian Birchmeier

- B. Motion to approve the new Comcast Contract as presented – Attorney Moulton

**CLERK MORFORD MOVED**, supported by Trustee Minaudo to approve the new (10) ten year Comcast Contract at the present 5% franchise fee which is .24% of gross revenues, appoint the Supervisor/Acting Superintendent as the contact person with the Township Fax Number 810-659-4212.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**MOTION CARRIED**

**ABSENT:** Rian Birchmeier

- C. Motion to approve the possible property transfer to City of Flushing – Attorney Moulton and Treasurer Lee

Property in question is located on Industrial at Seymour Road near railroad tracks partially in the City of Flushing and Flushing Township. The transfer has already been approved by the City of Flushing.

**TRUSTEE MINAUDO MOVED**, supported by Trustee Martinson to postpone this item until the next meeting so more information could be gathered.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**MOTION CARRIED**

**ABSENT:** Rian Birchmeier

It was suggested by Trustees Minaudo and Martinson to have Dan Bogerding of Century 21 Woodland attend the next meeting and also, get information such as size of parcel, taxes, intended use of property and who is intended buyer.

- D. Motion to approve Resolution to Exceed Maintenance for the Boman, Firman Branch of Drain #0195 to provide for outlet of Flushing High School; the Township's share will be 20% of the total cost which should be between \$3,000 and \$4,000 – Treasurer Lee

**CLERK MORFORD MOVED**, supported by Trustee Matzke to approve Resolution to Exceed Maintenance for the Boman, Firman Branch of Drain #0195 to provide for outlet of Flushing High School; the Township's share will be 20% of the total cost which should be between \$3,000 and \$4,000.

RESOLUTION  
MAINTENANCE AND/OR REPAIR

At a regular meeting of the governing body of the Charter Township of Flushing, Genesee County, Michigan, held in the Charter Township of Flushing Hall on August 11, 2016, at 7 PM.

Present:  
Absent:

The following resolution was offered by Treasurer, Maryion Lee, and seconded by

\_\_\_\_\_.

BE IT RESOLVED, that the CHARTER TOWNSHIP OF FLUSHING makes and causes to be filed a petition in the form substantially as follows:

WHEREAS, the Genesee County Drain Commissioner has been requested to perform maintenance and/or repairs to BOMAN, FIRMAN BRANCH OF DRAIN # 0195 and;

WHEREAS, Section 196 of PA 40 of 1956, MCL 280.196, as amended, requires the approval of the governing body of each township, city and village affected by 20% of the cost, when the cost will exceed statutory limits and;

WHEREAS, the Genesee County Drain Commissioner has determined that the necessary repairs shall exceed the statutory limits.

BE IT RESOLVED that the Charter Township of Flushing does approve and authorize the expenditures in excess of the statutory limit in order to complete the necessary repairs and/or maintenance.

BE IT FURTHER RESOLVED, that the Treasurer/Superintendent and the Clerk are hereby authorized and directed to execute said resolution for and on behalf of the Charter Township of Flushing and to file same with the Drain Commissioner of the County of Genesee on this date: August 11, 2016, or as soon as practicable thereafter.

ADOPTED: YES \_\_\_\_\_ NO \_\_\_\_\_

The Resolution is declared ADOPTED.

\_\_\_\_\_  
Maryion Lee, Treasurer/Superintendent,  
Charter Township of Flushing  
Maryion Lee

\_\_\_\_\_  
Julia Morford, Clerk,  
Charter Township of Flushing  
Julia Morford

I, the undersigned hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Charter Township of Flushing, Genesee County, Michigan at the meeting above indicated, the original of which is on file in my office.

IN WITNESS WHEREOF, I affix my official signature this 11<sup>th</sup> day of August, 2016.

---

Julia Morford, Clerk  
Charter Township of Flushing

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**MOTION CARRIED**

**ABSENT:** Rian Birchmeier

- E. Motion to approve a new Ricoh Contract for five (5) years to replace the present contract which has one (1) year remaining. The new contract will provide a newer machine and will reduce the estimated monthly cost by approximately \$100 – Clerk Morford

**CLERK MORFORD MOVED**, supported by Trustee Minaudo to approve a new Ricoh Contract for five (5) years to replace the present contract which has one (1) year remaining. The new contract will provide a newer machine and will reduce the estimated monthly cost by approximately \$100

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**MOTION CARRIED**

**ABSENT:** Rian Birchmeier

- F. Approval of Minutes of July 14, 2016 Board Meeting

**TRUSTEE MARTINSON MOVED**, supported by Trustee Minaudo to accept the minutes. She also pointed out an error in the correction to the June 9, 2016 minutes on page 4: This ~~final~~ *flexible* payment will not be any more than \$12 per parcel and there will be a report by the Assessor at the next meeting as to the success of this program ~~to determine~~ *or the* need for additional funding. (The Web Site did not show “~~to determine~~” the “to” was not blocked out.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**MOTION CARRIED**

**ABSENT:** Rian Birchmeier

- G. Payment of Bills



**TRUSTEE MARTINSON MOVED**, supported by Trustee Matzke to approve payment of bills as presented.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**MOTION CARRIED**

**ABSENT:** Rian Birchmeier

**VI. REPORTS:**

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

**VII. COMMITTEE REPORTS:** No Reports

**VIII. PUBLIC COMMENTS:**

8:45 PM – OPEN FOR PUBLIC COMMENTS

Two people gave comments

8:50 PM – CLOSED FOR PUBLIC COMMENTS

**IX. BOARD COMMENTS:**

Trustee Martinson, Clerk Morford and Treasurer Lee gave comments

**X. NEXT REGULAR MEETING: THURSDAY, SEPTEMBER 8, 2016 at 7:00 P.M.**

**XI. ADJOURNMENT:** Meeting adjourned at 9:00 PM

---

JOYCE A. WILSON, Deputy Clerk

---

RIAN R. BIRCHMEIER, Supervisor

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

08/11/2016 Regular Min