

CHARTER TOWNSHIP OF FLUSHING

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

DATE: NOVEMBER 10, 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: 30 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

CONSENT AGENDA:

- 1) Agenda for November 10, 2016

Trustee Martinson asked that Payment of Bills be moved to "D" under New Business.

Trustee Martinson stated under Item VI. Reports, the Financial Report was missing. Treasurer Lee stated it could be placed as Number 2 under Reports.

TRUSTEE MARTINSON MOVED, supported by Trustee Minaudo to have under New Business, letter C. **CLOSED SESSION** – Motion to go into Closed Session according to Act 267, 15.268, Section 8C of the Open Meetings Act to Consider Negotiations and Strategies in Regards to the Pending Collective Bargaining Agreement with the Police Officers Labor Council, removed from the agenda.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Martinson and Minaudo

NAYS: Matzke, Gage, Lee and Morford

MOTION FAILED

ABSENT: Birchmeier

TRUSTEE GAGE MOVED, supported by Clerk Morford to approve the agenda.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Matzke and Morford

NAYS: Martinson and Minaudo

MOTION CARRIED

ABSENT: Birchmeier

III. PUBLIC COMMENTS:

7:15 P.M. OPEN FOR PUBLIC COMMENTS

Two (2) individuals gave comments

7:20 P.M. CLOSED FOR PUBLIC COMMENTS

IV. UNFINISHED BUSINESS

1. **2017 Group 2 Construction Projects Application** – Resolution to approve the Federal Community Development Block Grant Program 2017 Group 2 Construction Projects – Treasurer Lee

TREASURER LEE MOVED, supported by Trustee Minaudo to approve the Federal Community Development Block Grant Program 2017 Group 2 Construction Projects with 100% of the grant money to go to ADA changes and improvements in the Flushing Township Nature Park with ADA approved items, such as a canoe launch, picnic tables, playground equipment and toilets.

ACTION ON THE MOTION

ROLL CALL VOTE:

MOTION CARRIED

ABSENT: Rian Birchmeier

2. Motion to amend and Ratify Resolution No. 16-9 to authorize the Annexation by City of Flushing of Two (2) Contiguous Parcels of real property located in Flushing Township – Attorney Steve Moulton

TRUSTEE MINAUDO MOVED, supported by Trustee Gage to approve Resolution No. 16-12 which amends and ratifies Resolution No. 16-9 to authorize the Annexation by City of Flushing of Two (2) contiguous parcels of real property located in Flushing Township as stated below:

CHARTER TOWNSHIP OF FLUSHING
GENESEE COUNTY, MICHIGAN

RESOLUTION NO. 16-12

A RESOLUTION TO AMEND AND RATIFIED RESOLUTION NO.
16-9 TO AUTHORIZE THE ANNEXATION BY CITY OF
FLUSHING OF TWO (2) CONTIGUOUS PARCELS OF REAL
PROPERTY LOCATED IN FLUSHING TOWNSHIP

WHEREAS, Daniel Borgerding and James G. Plouffe are the record owners or otherwise hold an interest in the properties (the Properties) described below, located in the Township of Flushing, Genesee County Michigan; and,

WHEREAS, Daniel Borgerding and James G. Plouffe requested the City of Flushing accept annexation of the Properties; and,

WHEREAS, the Charter Township of Flushing Board of Trustees, at its regularly scheduled meeting held October 13, 2016, adopted Resolution No. 16-9 approving annexation of the Properties by the City of Flushing; and,

WHEREAS the City of Flushing by resolution of its City Council accepted annexation of the Properties; and,

WHEREAS the annexation of the Properties to the City of Flushing was submitted to the Michigan Department of State for approval; and,

WHEREAS, the Michigan Department of State by letter (attached and incorporated by reference as part of this Resolution) dated October 6, 2016, informed the City and Township of an omission in the legal descriptions to each of the Properties and directed the submission of corrected filings to include a complete legal property description for all areas subject to annexation; and,

WHEREAS, complete legal descriptions for each of the properties subject to annexation were subsequently prepared by Rowe Professional Services Company, which complete legal descriptions are set forth below;

IT IS HEREBY RESOLVED that Resolution No. 16-9, approved by the Charter Township of Flushing Board of Trustees on October 13, 2016, is amended to substitute the following legal

descriptions in place of the legal descriptions contained in Resolution No. 16-9 and the Resolution, as amended, is hereby confirmed and ratified.

Parcel 1-Industrial Drive: Township of Flushing, County of Genesee, State of Michigan.

Part of Lot 11 Supervisors Plat No. 27, Beginning South 40 degrees 19 minutes East 136.13 feet from Northwest corner of Lot 11; thence North 56 degrees 57 minutes 30 seconds East 221.10 feet; thence South 70 degrees 09 minutes 30 seconds East 39.68 feet; thence on curve to right radius of 2185.08 feet and chord South 54 degrees 37 minutes 55 seconds East 1169.82 feet; thence South 89 degrees 57 minutes 30 seconds West 78 feet; thence Northerly on curve radius of 2125.08 feet and chord North 55 degrees 17 minutes 40 seconds West 1090.27 feet; thence North 70 degrees 09 minutes 30 seconds West 9.85 feet; thence South 56 degrees 57 minutes 30 seconds West 183.63 feet; thence North 40 degrees 19 minutes West 60.50 feet to place of beginning except all that part lying East of City Limits.

Parcel 2-Borgerding Parcel: Township of Flushing, County of Genesee, State of Michigan.

Part of Lot 11 of Supervisor's Plat No. 27, as recorded in Liber 17 of Plats on Page 31, Genesee County Records more particularly described as follows: Commencing at the Northwest corner of said Lot 11 of Supervisor's Plat No. 27; thence South 40 degrees 19 minutes 00 seconds East along the Northerly line of Seymour Road 234.35 feet to its intersection with the Northerly line of the Grand Trunk Western Railroad; thence leaving said Northerly line of said Seymour Road South 70 degrees 18 minutes 45 seconds East along the Northerly line of said Grand Trunk Western Railroad a distance of 43.40 feet to the point of beginning of this description; thence leaving said railroad right of way line North 56 degrees 57 minutes 30 seconds East parallel with the Northerly line of said Lot 11 a distance 205.21 feet to a point on the Southerly line of Industrial Drive (so-called); thence along said Southerly line of Industrial Drive on a curve to the right having a radius of 2125.08 feet, a central angle of 11 degrees 24 minutes 29 seconds and a chord bearing and distance of South 62 degrees 18 minutes 46 seconds East 422.42 feet; thence South 55 degrees 15 minutes 48 seconds West 179.02 feet to a point on the Northerly line of said Grand Trunk Western Railroad; thence on a curve to the left having a radius of 1963.21 feet, a central angle of 11 degrees 34 minutes 12 seconds and a chord bearing and distance of North 64 degrees 21 minutes 11 seconds West 395.76 feet; thence North 70 degrees 18 minutes 45 seconds West 44.81 feet (previously recorded North 70 degrees 18 minutes 00 seconds West 44.95 feet) to the point of beginning, except all that part lying East of City Limits. Containing 1.636 acres of land more or less and being subject to any easements, rights of way or restrictions of record. All being part of the West ½ of the Southwest ¼ of Section 27, T8N-R5E, Flushing Township, Genesee County, Michigan.

YES: 6

NO: 0

ABSENT: 1

THE RESOLUTION IS DECLARED X 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 November 10, 2016, at the Charter Township of Flushing Hall, 6524 N. Seymour Road, Flushing, Michigan 48433.

Maryion Lee,
Flushing Township Treasurer

Dated:

Julia Morford,
Flushing Township Clerk

Dated:

ACTION ON THE MOTION
ROLL CALL VOTE:
MOTION CARRIED
ABSENT: Rian Birchmeier

- 3. Motion to approve the second reading of an Ordinance to amend Sections 20-400, 20-411 and 20-404(1) of the Zoning Ordinance to: (1) Specify the foundation requirements for attached accessory structures; to specify lot coverage limitations; placement and set back requirements for accessory structures; to amend the maximum permitted square footage of temporary accessory structures; (2) establish the priority of Section 20-762 over Section 20-411; and (3) to correct a typographical error in Section 20-404(1). The proposed amendments, if adopted, would apply to all properties within the Township – Trustee Gage

TREASURER LEE MOVED, supported by Trustee Gage to approve the second reading of an Ordinance to amend Sections 20-400, 20-411 and 20-404(1) of the Zoning Ordinance to: (1) Specify the foundation requirements for attached accessory structures; to specify lot coverage limitations; placement and set back requirements for accessory structures; to amend the maximum permitted square footage of temporary accessory structures; (2) establish the priority of Section 20-762 over Section 20-411; and (3) to correct a typographical error in Section 20-

404(1). The proposed amendments, if adopted, would apply to all properties within the Township.

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 closed the Flushing Township Office, Monday, December 26, 2016 and Monday, January 2, 2017 in observance of the holidays as has been past practice in Genesee County Government – Treasurer Lee

TREASURER LEE MOVED, supported by Trustee Matzke to closed the Flushing Township Office, Monday, December 26, 2016 and Monday, January 2, 2017 in observance of the holidays as has been past practice in Genesee County Government.

ACTION ON THE MOTION

ROLL CALL VOTE:

MOTION CARRIED

ABSENT: Rian Birchmeier

- B. Motion to formally recognize the Carman-Ainsworth Education Foundation as a non-profit organization – Clerk Morford

CLERK MORFORD MOVED, supported by Trustee Minaudo to formally recognize the Carman-Ainsworth Education Foundation as a non-profit organization.

ACTION ON THE MOTION

ROLL CALL VOTE:

MOTION CARRIED

ABSENT: Rian Birchmeier

It was pointed out Item B. was brought to the Board of Trustees because Carman-Ainsworth was holding a gaming fund raiser at the Flushing Valley Country Club but the Township only encompasses three holes on the golf course and not the Club House. Therefore, possibly the City of Flushing should also receive the request from Carman-Ainsworth Education Foundation.

- C. **CLOSED SESSION** – Motion to go into Closed Session according to Act 267, 15.268, Section 8C of the Open Meetings Act to Consider Negotiations and Strategies in Regards to the Pending Collective Bargaining Agreement with the Police Officers Labor Council – Treasurer Lee

TRUSTEE GAGE MOVED, supported by Trustee Matzke to go into Closed Session according to Act 267, 15.268, Section 8C of the Open Meetings Act to Consider Negotiations and Strategies in Regards to the Pending Collective Bargaining Agreement with the Police Officers Labor Council.

Attorney Steve Moulton stated this motion requires a two-thirds vote.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Matzke and Morford

NAYS: Martinson and Minaudo

MOTION CARRIED

ABSENT: Rian Birchmeier

ENTERED CLOSED SESSION AT 7:45 P.M.

RETURNED FROM CLOSED SESSION AT 8:05 P.M.

TRUSTEE MINAUDO MOVED, supported by Trustee Matzke to return to Regular Session.

ACTION ON THE MOTION

ROLL CALL VOTE:

MOTION CARRIED

ABSENT: Rian Birchmeier

Attorney Moulton stated there had been discussion in closed session regarding the two-thirds vote and it was decided to meet in open session rather than closed session.

After lengthy discussion, with Chief Fairchild reviewing the proposed contract with those in attendance, the following motion was made.

TRUSTEE GAGE MOVED, supported by Trustee Matzke to amend the existing agreement between the Township and the Police Officers Labor Council to incorporate the changes set forth in proposal number two that was signed off on by the Police Officers Labor Council yesterday, November 9, 2016.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Gage, Morford and Lee

NAYS: Martinson and Minaudo

MOTION CARRIED

ABSENT: Rian Birchmeier

D. Payment of Bills

CLERK MORFORD MOVED, supported by Trustee Minaudo to approve payment of bills.

ACTION ON THE MOTION

ROLL CALL VOTE:

MOTION CARRIED

ABSENT: Rian Birchmeier

VI. REPORTS:

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

VII. COMMITTEE REPORTS:

1. Flushing Township Nature Park – Donn Hinds

VIII. PUBLIC COMMENTS:

9:00 PM – OPEN FOR PUBLIC COMMENTS

Four (4) people gave comments

9:05 PM – CLOSED FOR PUBLIC COMMENTS

IX. BOARD COMMENTS:

Trustee Gage, Clerk Morford, Trustee Martinson, Trustee Matzke, Trustee Minaudo and Treasurer Lee gave comments

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

XI. ADJOURNMENT: Meeting adjourned at 9:31 PM

JOYCE A. WILSON, Deputy Clerk

RIAN R. BIRCHMEIER, Supervisor

APPROVED DATE _____

11/10/2016 Regular Min