

CHARTER TOWNSHIP OF FLUSHING

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PLANNING COMMISSION MEETING

DATE: DECEMBER 8, 2008

TIME: 7:00 P.M.

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

MEMBERS OF PLANNING COMMISSION

Mark J. Newman, Chair

Richard Buell

Jerome Doyle, Vice Chair

Ronald Flowers

Eric Swanson, Secretary

David Gibbs

Mark Purkey, Board of Trustee Representative

Jerald W. Fitch, Building Inspector

Julia A. Morford, Recording Secretary

PRESENT: Newman, Doyle, Swanson, Buell, Flowers, Gibbs, Purkey, Fitch, and Morford

ABSENT: None

OTHERS PRESENT: Supervisor Donald Schwieman

I. MEETING CALLED TO ORDER at 7:00 p.m. by Planning Commission Chair

MARK NEWMAN (NEWMAN) with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: BUELL MOVED, seconded by Flowers to adopt the Agenda as submitted. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF NOVEMBER 10, 2008: FLOWERS MOVED, seconded by Doyle to approve the Minutes of November 10, 2008 as amended. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS

1. By-Laws – Conflict of Interest

NEWMAN gave a brief history of “Conflict of Interest” by stating the issue had to be in compliance with the Michigan Zoning Enabling Act, Public Act 12 of 2008 as well as the Michigan Planning Enabling Act, Public Act 33 of 2008. Flushing Township has been properly authorized and the minutes have reflected the by-laws have been reviewed at prior meetings, which has cleared a lot of hurdles for the township.

ISSUES THAT HAVE OR NEEDED TO BE PLACED IN THE BY-LAWS:

- Clearer language and provisions for conflicts of interest for commissioners for certain issues, parties, or parcels of property.
- Additional legal information has been requested from Flushing Township **ATTORNEY STEVE MOULTON (ATTORNEY MOULTON)**.
- Simpler language for “conflict of interest” would be better; very difficult to define every possibility.
- At a previous meeting that **FLOWERS** had attended, **DOUG PIGGOTT (PIGGOTT)** of Rowe Inc, was in attendance. **PIGGOTT** felt the “conflict of interest” issue could be placed in the by-laws and the recommendation could be passed on to the Flushing Township Board of Trustees for their consideration.
- **NEWMAN** stated the issue had come up when the Planning Commission had started talking about disciplinary action when a Commissioner had a conflict but did not disclose the issue. The issue of what would be the authority of the township if a conflict should happen; the “lack of attendance” issue was also brought up. **NEWMAN** stated, in his profession, he has worked with some townships that barely have a quorum at their meetings. Lack of attendance is a very important issue and he (Newman) doesn’t want the Planning Commission to loose sight of the issue.
- **FLOWERS** stated that **PIGGOTT** had mentioned, at the same meeting as referenced in bullet 4, that malfeasance would fall into the “unexcused absence” issue.
- **NEWMAN** recommended the “conflict of interest” issue be placed on the Agenda for further discussion at the regular scheduled Planning Commission Meeting for January 12, 2009.

2. Continued Review for Compliance of New Laws

NEWMAN stated there were a number of provisions on the “**TO DO LIST**” for existing Planning Commissions. Some of the provisions have to be taken care of immediately by the municipalities; other provisions have to be completed before 2011. **NEWMAN** recommended leaving the general issue of “Review for Compliance of New Laws” under “Unfinished Business” on the Agenda for discussion until otherwise noted. At each regular scheduled Planning Commission Meeting, one (1) or two (2) issues would be selected to be discussed at the next regular scheduled Planning Commission Meeting.

QUESTIONS/COMMENTS:

- **FLOWERS** felt the Planning Commission should continue to review the wind turbine issue. **NEWMAN** stated Building Inspector, **JERRY FITCH (FITCH)** had received several documents regarding wind turbines. **GIBBS** stated he had received material from farm magazines concerning the wind turbines.
- **NEWMAN** stated there would be rules concerning the wind turbines including limited amount of involvement control over the turbines. Senate Bill 213, a substitute bill, had went through the Senate and had been mentioned by former Trustee Barry Pratt at the November 2008 meeting. The bill has to go through the Senate, the House of Representatives, and signed by the Governor to go into effect.

- **SWANSON** strongly recommended the Planning Commission review the wind turbine issue because the county pathways would go through Flushing Township. At a recent meeting that **SWANSON** had attended, it was mentioned that if the Planning Commission was not prepared for the wind turbine issue, the Government would do whatever they wanted. Planning Commissions should have something in effect when the government does come through the area as they (Government) would be more likely to work with the township even though the Government has control of the issue.
- **NEWMAN** felt there should be some structure and willingness to have a dialog with the Government as they (Government) would not have to do everything the township wanted, but to be a good citizen, the Government might go ahead and honor the request.
- **FITCH** felt the issue should be discussed soon. From what he (Fitch) has understood, the Planning Commission would have control over the height, noise, etc.
- **SWANSON** recommended reviewing the requirements of the Tower Ordinance.
- **FITCH** stated the Planning Commission could take parts from the Tower Ordinance to place in a Wind Turbine Ordinance.
- **GIBBS** reminded the Commission about the noise from the wind turbines.
- **NEWMAN** wanted to know at what decibels the “noise ordinance” would kick in from the wind turbines.
- **BUELL** wanted to know what would happen if the “whole” wind turbine fell over?
- **SWANSON** stated one issue that had to be dealt with was the turbine blades; the tips of the blades go over two-hundred (200) miles an hour.
- **FLOWERS** felt other issues had to be dealt with such as: **1)** “what was the Planning Commission going to do,” **2)** “how far should the turbines be from the residents’ homes,” and **3)** “what decimals would be involved”.
- **PURKEY** stated he had seen the turbines so far up the side of a mountain in Hawaii that no one had known what the turbines were doing. It seemed the Department of Environmental Quality (DEQ) and Department of Natural Resources (DNR) would have a lot of input into what should be done with the migratory birds, etc.
- **NEWMAN** felt that if an individual wanted to push the issue of extra electricity to sell back and it crossed state lines, the interstate commerce commission, federal EPA, and other commissions
- **BUELL:** recommended that **FITCH** review the “TO DO LIST” by checking the items the Planning Commission had resolved. The “TO DO LIST” could be narrowed down to just the issues that remained to be completed.
- **NEWMAN** stated that cities and villages have different requirements under the law. Some of the issues on the “TO DO LIST” could be checked off immediately.
- **DOYLE** felt **ATTORNEY MOULTON** should review the *Michigan Planning Enabling Act PA 33 of 2008 (MPEA)* since everything had went so smoothly with the transaction of the *Michigan Zoning Enabling Act as amended by PA 12 of 2008(MZEA)*
- **FITCH felt** that, after recently amending the MZEA, the State would not pass another bill that would coincide with the first. There are three (3) acts that govern zoning; there are three (3) acts that govern Planning for townships, cities and villages. The authority

for the Planning Commission is received from the Acts. **FITCH** felt there wasn't that much that had to be done.

- **BUELL** felt the Flushing Township Planning Commission could get everything up to date before 2011.
- **FLOWERS** felt it would be a good idea to get the issues taken care of before spring as that is the time of the year when things tend to get busier. The Planning Commission should also think about the Master Plan. He (Flowers) has received a lot of information from the Genesee County Metropolitan Planning Commission – Long Range Transportation - that will be coming to the Flushing Township Planning Commission in the future.
- **DOYLE** wanted to know how many issues were remaining from the “Continued List” of items the Planning Commission had been reviewing at the end of each meeting.
- **NEWMAN** stated the format for the January 2009 Planning Commission Agenda would be as follows: :
 1. Unfinished Business:
 - a. Conflict of Interest
 2. New Business
 - a. Wind Turbines
- **NEWMAN** stated the Planning Commission could have a “working agenda” where issues would be placed under “Unfinished Business” and if all the items under “New Business” were completed, the Commission could review the items listed under “Unfinished Business.”
- **MORFORD** will check on the “Continued List” of items that needed attention and provide copies to the Planning Commission Members at the next regular scheduled meeting.
- **BUELL** felt the “Continued List” made the Planning Commission more productive.

V. NEW BUSINESS:

1. Approval of 2009 Planning Commission Meeting Dates

SWANSON MOVED, seconded by Purkey to adopt the 2009 Planning Commission Meeting dates as submitted with two (2) amendments: 1) April 13 would be changed to April 20 and 2) October 12 would be changed to October 5. **MOTION CARRIED.**

(**NOTE:** the 2009 Regular Scheduled Planning Commission Meeting Dates are as follows: January 12; February 9; March 9; April 20; May 11; June 8; July 13; August 10; September 14; October 5; November 9; and December 14, 2009. The regular scheduled meetings are held the second Monday of each month at 7:00 p.m.)

VI. PUBLIC COMMENTS:

7:40 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

None

7:41 P.M. - CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. **FLOWERS** wished everyone a “Merry Christmas”.
2. **GIBBS** thanked everyone for the concern during his son’s operation.
3. **A. SWANSON** will be absent from the Planning Commission Meetings from January through March 2009 but will be in attendance for the April Meeting.
B. Recently while reviewing the Planning Commission Minutes for 2008, he (Swanson) could not find a motion that had been made at the July 14, 2008 Planning Commission Meeting. It was determined a page was missing from Swanson’s minutes.
C. “Merry Christmas” to everyone.
D. Recommended every December, the Planning Commission Members could go through their minutes and review the events of the year.
4. **BUELL** welcomed Mark Purkey to the Planning Commission. **BUELL** will be absent from the February and March Planning Commission Meetings but will be in attendance for the April 2009 Planning Commission Meeting.
5. **PURKEY** will do more listening and learning to represent the Board; “Merry Christmas” to all.
6. **DOYLE** welcomed Mark Purkey to the Planning Commission and wished everyone a “Merry Christmas”.
7. **NEWMAN** stated it had been a fun year with many things being accomplished; he enjoyed the Planning Commission Meetings; felt that former Trustee Barry Pratt had been very good to the Planning Commission; welcomed Mark Purkey to the Commission; thanked Building Inspector Jerry Fitch and Clerk Julia Morford for their assistance during the year.

VIII. MEETING SCHEDULE:

REGULAR SCHEDULED MEETING – MONDAY – JANUARY 12, 2009 AT 7:00 P.M.

IX. ADJOURNMENT: Due to lack of business matters, **NEWMAN** adjourned the meeting at 7:52 p.m.

MARK J. NEWMAN, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary
Planningminutes 12/08/08

Date of Approval