

# CHARTER TOWNSHIP OF FLUSHING

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

DATE: AUGUST 13, 2015

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 7:03 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, Scott Matzke, Bonnie Jean Martinson, Scott P. Minaudo, and Attorney Steve Moulton  
**MEMBERS ABSENT:** None

**OTHER INDIVIDUALS PRESENT:** Eighteen (18) other individuals present

## ADOPTION OF THE AGENDA FOR AUGUST 13, 2015:

**TRUSTEE MINAUDO MOVED**, supported by Treasurer Lee to move the presentation by Plante Moran immediately following Public Comments.

## ACTION ON THE MOTION

**ROLL CALL VOTE:**

**MOTION CARRIED UNANIMOUSLY**

**TRUSTEE MARTINSON MOVED**, supported by Supervisor Birchmeier to move approval of minutes and also payment of bills under New Business, Items F & G.

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

**TRUSTEE MINAUDO MOVED**, supported by Trustee Martinson to approve the agenda as amended.

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

**III. PUBLIC COMMENTS**

**7:07 P.M. OPEN FOR PUBLIC COMMENTS**

Two people gave comments

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

Plante Moran Audit Report for year ending March 31, 2015 was presented to the Board of Trustees by Chrystal Simpson, CPA and Joe Heffernan, CPA.

**IV. UNFINISHED BUSINESS**

1. Closed Session

**TREASURER LEE MOVED**, supported by Clerk Morford to go into closed session to review recommendations from the Personnel Committee regarding the Teamsters Local 214 pending three grievances and to consider the Township Attorney's opinion in respect to the grievance. The Michigan Statute allowing this closed session is MCL 15.268 (h). Attorney Moulton stated the Supervisor's Attorney, Dawn Weier and Joel Goetze, Teamster Representative should also be allowed to attend the closed session.

**TRUSTEE MARTINSON MOVED TO AMEND THE MOTION** by stating she didn't receive material in time, therefore, discuss this item at September 10<sup>th</sup> meeting.

There was no support for motion and **Trustee Martinson withdrew her motion.**

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

**ADJOURNED TO CLOSED SESSION AT 7:35 PM**

**RETURN FROM CLOSED SESSION AT 9:12 PM**

**TRUSTEE MINAUDO MOVED**, supported by Trustee Gage to return to regular session.

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

**Attorney Moulton resolved** the pending grievances filed by 214 Teamsters Union, there being three, by adoption of a resolution that was discussed in detail and that is acceptable to the Township Supervisor with the understanding that the Township Attorney will make a number of revisions to the original draft of that resolution to incorporate changes that were agreed to by the Township Supervisor and, hopefully, a majority of the Board, and will circulate the final revision of that resolution for signature by each Board Member so they can reconsider either their “yes” or “no” vote with respect to this motion and upon signature of each board member, assuming it is a majority, the resolution will be effective. Attorney Moulton further stated, it is his intent that he can get this to the Supervisor and his attorney by next week and will email to each of the Board Members and ask if the resolution is in a form acceptable to everyone and so it can be approved. If not, let Attorney Moulton know, but the intent is, because we don’t have the final version of the resolution in front of us, but we want to make it effective at the Board Meeting tonight rather than call a special meeting, or wait until the September regular meeting; it would be effective upon the signatures of the majority of the Board members once it is circulated.

CHARTER TOWNSHIP OF FLUSHING  
GENESEE COUNTY, MICHIGAN  
RESOLUTION NO. 15-21  
RESOLUTION RESTRICTING SUPERVISOR’S AUTHORITY

Whereas, Teamsters Local 214 (Union) has submitted three (3) grievances (copies of which are attached and incorporated by reference) to Flushing Township (Employer) alleging conduct on the part of Supervisor Rian Birchmeier in violation of the Collective Bargaining Agreement (CBA) in effect between the Union and Employer;

Whereas, the Supervisor, through his attorney, has submitted written responses to the Grievances;

Whereas, Employer’s Personnel Director has investigated the grievances, including consideration of the Supervisor’s responses and, with the assistance of the township attorney, submitted a summary to Employer’s Personnel Committee;

Whereas, the Personnel Committee met with the Union representatives and Supervisor on August 7, 2015, to review the summary and discuss possible resolution of the grievances, to which the Supervisor refused participation;

Whereas, Employer’s Board of Trustees, with required notice, met in closed session during its regular meeting of August 13, 2015, to consider the pending grievances, including the Supervisor’s responses;

Whereas, a majority of the Board of Trustees, including the Supervisor, has determined it would be appropriate and in the best interest of the Township and its employees to resolve the grievances in accordance with the proposal made by the Union and, therefore;

IT IS RESOLVED:

1. Effective with the adoption of this Resolution, and except as stated below, all authority conferred to the Supervisor, including but not limited to the duties enumerated in MCL 42.10, are reserved to the Board of Trustees and, until further action of the Board, are assigned to the Township Treasurer, who is designated acting Township Superintendent. Any Township policy or procedure designating the Supervisor to act on behalf of the Township is rescinded pending further Board action.

2. With adoption of this Resolution, the Supervisor shall have no authority with respect to any Township employee and the Township Treasurer, in the current capacity as Personnel Director, shall be the chief administrative officer with respect to all Township employees, including Police Personnel. Any reference to "supervisor" in any collective-bargaining agreement between Employer and Union or any other agent for any Township employee shall mean the Personnel Director.

3. The Supervisor and the Deputy Supervisor shall not be present at the Township offices from 8 AM-6 PM, Monday-Thursday, and shall only be present as reasonably necessary to conduct the limited duties reserved to the Supervisor under the Michigan Constitution and statutes, including voting on matters presented to the Township Board; chairing the meetings of the Board of Trustees; serving as Township emergency manager and as the Township's designated agent for service of process.

4. The Supervisor shall have no contact with Township employees and shall not communicate with Township employees including by telephone, email or regular mail except as is reasonably necessary to perform the duties reserved to the Supervisor, identified in Paragraph 3 of this Resolution. This provision shall not prohibit contact between the Supervisor and Township employees incidental to the Supervisor's activities as a Township resident or member of the general public.

5. On or before August 31, 2015, the Supervisor shall vacate the office which he currently occupies and return to the office currently occupied by the Finance Director, who shall occupy the office now occupied by the Supervisor. The Supervisor shall remove his personal property from his current office and shall be responsible to move the furniture and equipment from his current office. Township shall be responsible to move the furniture, equipment, and other items now located in the office occupied by the Finance Director.

6. On or before August 31, 2015, the Supervisor shall return to the Clerk the Township cell phone and credit card and all keys to township facilities, vehicles or equipment, except the key to the Township office building and the specific office to be occupied by the Supervisor.

7. The Supervisor shall continue to receive his customary salary through the end of the current elected term.

8. Township shall make such adjustments as necessary to cause all emails and voicemails received at the Supervisor's work email and office telephone extension to be redirected to another employee's email address and telephone extension, as determined by Township.

9. All packets or information to be provided to board members in anticipation of a regular or special township board meeting shall be delivered to the Supervisor's residence by a

member of the Flushing Township Police Department at such times as required by township policy.

10. This Resolution shall be binding only in the event, upon its adoption by the Charter Township Board of Trustees. Teamster's Local 214 withdraws the grievances dated May 19, 2015, May 21, 2015, and July 20, 2015, submitted against Township.

YES: \_\_\_\_\_  
Rian Birchmeier, Supervisor

NO: \_\_\_\_\_  
Bonnie J. Martinson, Trustee

YES: \_\_\_\_\_  
Maryion Lee, Treasurer

YES: \_\_\_\_\_  
Julia A. Morford, Clerk

YES: \_\_\_\_\_  
Shirley D. Gage, Trustee

YES: \_\_\_\_\_  
Scott Matzke, Trustee

YES: \_\_\_\_\_  
Scott Minaudo, Trustee

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 August 13, 2015, at the Charter Township of Flushing Hall, 6524 N. Seymour Road, Flushing, Michigan 48433.

\_\_\_\_\_  
Maryion Lee  
Flushing Township Treasurer

Dated: \_\_\_\_\_

\_\_\_\_\_  
Julia A. Morford,  
Flushing Township Clerk

Dated: \_\_\_\_\_

**TRUSTEE MINAUDO MOVED**, supported by Trustee Matzke, adoption of the above resolution by Attorney Moulton.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Birchmeier, Minaudo, Matzke, Gage, Lee and Morford

**NAYS:** Martinson

**MOTION CARRIED**

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

- B. Motion to consider quotes for installing a generator in the Police Department – Treasurer Lee and Chief Fairchild

**TRUSTEE MINAUDO MOVED**, supported by Trustee Matzke to accept the bid of Thomas Albright and Associates, Inc. in the amount of \$11,426.26 for installing a generator in the Police Department.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Minaudo, Matzke, Gage, Lee, and Morford

**NAYS:** Martinson and Birchmeier

**MOTION CARRIED**

- C. Motion to have Boy Scout Troop 42 remove the display cases from the entry way of the Flushing Township Hall and give them to the City of Flushing or another government agency that would appreciate and enjoy them and not utilize them for political reasons – Trustee Martinson

Trustee Martinson rescinded this proposed motion and stated she would discuss it under Board Comments.

**V. NEW BUSINESS**

Following items may be the subject and possible action of the Board

- A. Financial Report from *Plante Moran* – Auditors  
Moved and discussed after Board Comments at beginning of meeting.
- B. Motion to approve, upon the Recommendation of the Planning Commission, the Resolution Proposing an Amendment of the Zoning Ordinance Regarding the *Regulation of Signs* in Flushing Township – Attorney Moulton and Trustee Gage

**TRUSTEE GAGE MOVED**, supported by Trustee Matzke to adopt the resolution amending the Sign Ordinance as shown below:

CHARTER TOWNSHIP OF FLUSHING  
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend certain provisions of the sign ordinance, Chapter 13.5 of the Code of Ordinances, to a designate the sign ordinance as Article 400-A of the Zoning Ordinance; to provide for the designation of an authorized official in the

absence of a building inspector; to define political sign; to amend Section 13.5-62 to allow political signs on all private property and to specify the time for the removal of political signs; and, to define “direct and indirect illumination”; and to define and regulate Farm Signs and Roadside Stand Signs..

**THE CHARTER TOWNSHIP OF FLUSHING ORDAINS :**

Chapter 13.5 of the Code of Ordinances “the Sign Ordinance” is amended as follows:

1. As the Sign Ordinance was adopted as part of the Charter Township of Flushing Zoning Ordinance, the Sign Ordinance, currently Chapter 13.5 of the Code of Ordinances is hereby redesignated as Article 400-A of the Zoning Ordinance and the existing sections of Chapter 13.5 are designated as follows:

<u>Existing Section Designation under Chapter 13.5</u>	<u>New Section Designation under Article 400 A</u>
Division 1-Sign Regulations	Division 1-Sign Regulations
13.5-26 – Purposes	20-400 A-1 – Purposes
13.5-27 – Applicability-Effect	20-400 A-2 – Applicability-Effect
13.5-28 – Definitions and Interpretations	20-400 A- 3 – Definitions and Interpretations
13.5-29 – Computations	20-400 A-4 – Computations
13.5-30 – Design, Construction and Maintenance	20-400 A-5 – Design, Construction and Maintenance
13.5-31 – Signs in Public Right of Way	20-400 A-6 – Signs in Public Right of Way
13.5-32 – Signs Exempt from Regulation	20-400 A-7 – Signs Exempt from Regulation
13.5-34 – Permits Required	20-400 A-8 – Permits Required
13.5-35 – General Permit Procedures	20-400 A-9 – General Permit Procedures
13.5-36 – Permits to Construct or Modify Signs	20-400 A-10 – Permits to Construct or Modify Signs
13.5-37 – Sign Permits-Continuing	20-400 A-11 – Sign Permits-Continuing
13.5-38 – Temporary Sign Permits (Private Property)	20-400 A-12 – Temporary Sign permits (Private Property)
13.5-39 – Non-conforming Signs	20-400 A-13 – Non-conforming Signs
13.5-40 – Violations	20-400 A-14 – Violations
13.5-41 – Enforcement and Remedies	20-400 A-15 – Enforcement and Remedies
13.5-42 – Fee Schedule	20-400 A-16 – Fee Schedule
13.5-43 – Applications for Reconsideration Conferences, Appeals and Variances	20-400 A-17 – Applications for Reconsideration, Conferences, Appeals and Variances

Division 2. Signs Allowed on Private Property With and Without Permits

13.5-56 – General Provisions	20-400 A-18 – General Provisions
13.5-57 – Residential RSA (SFR), RU-1 (TFR) - Permanent Signs	20-400 A-19 – Residential RSA (SFR), RU-1 (TFR) - Permanent Signs
13.5-58 – Residential RU-2 (MD), RU-4 (MHP) - Permanent Signs	20-400 A-20 – Residential RU-2 (MD), RU-4 (MHP) - Permanent Signs
13.5-59 – Residential RU-3 (HD) - Permanent Signs	20-400 A-21 – Residential RU-3 (HD) - Permanent Signs
13.5-60 – Residential, Institutional Uses Permitted in Residential Zoning Districts - Permanent Signs	20-400 A-22 – Residential, Institutional Uses Permitted in Residential Zoning Districts - Permanent Signs
13.5-61 – Residential, Fraternity/Sorority Houses in Residential Districts	20-400 A-23 – Residential, Fraternity/Sorority Houses in Residential Districts
13.5-62 – Residential, All Districts - Temporary Signs	20-400 A-24 – Residential, All Districts - Temporary Signs
13.5-63 – Commercial - General Provisions	20-400 A-25 – Commercial - General Provisions
13.5-64 – Commercial, C-1, M-1, M-2 - Permanent Signs	20-400 A-26 – Commercial, C-1, M-1, M-2 - Permanent Signs
13.5-65 – Commercial, C-2 - Permanent Signs	20-400 A-27 – Commercial, C-2 - Permanent Signs
13.5-66 – Commercial, C-3 - Permanent Signs	20-400 A-28 – Commercial, C-3 - Permanent Signs
13.5-67 – Commercial, All Districts - Temporary Signs	20-400 A-29 – Commercial, All Districts - Temporary Signs

2. Section 13.5-28, redesignated Section 20-400 A-3, is amended to add the following:

“Directly or indirectly illuminated” means, unless otherwise expressly stated, to be lighted by a stationary light source emitting a constant white light.

“Farm sign” means a sign erected on a premises where agricultural products are grown, raised, harvested or prepared for sale, which advertises the sale of the agricultural products at the premises.

“Indirectly illuminate” means illuminated with a light source so shielded as to illuminate only the surface of the sign.

“Political sign” means a sign relating to the election of a person or persons to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.



“Roadside Stand Sign” means a sign erected at a roadside stand or which advertises the location of a roadside stand. A roadside stand sign shall be limited to advertising the name of the stand, the agricultural products offered for sale, prices and hours of operation.

3. Section 13.5-57, redesignated Section 20-400 A-19 is amended by adding the following as new subsections (d) and (e):

- (d) On premises used to grow, raise, harvest or prepare agricultural products for sale there shall be permitted one (1) non-illuminated farm sign not to exceed 12 square feet.
- (e) On premises used to grow, raise, harvest or prepare agricultural products for sale on which there is located a roadside stand or with respect to an off-site roadside stand, there shall be permitted one (1) on-site and two (2) non-illuminated roadside stand signs not exceeding four square feet. Prior permission shall be obtained from the owner of any property on which a sign is posted. The signs shall be temporary and shall be removed at the close of the period of permitted operation of the roadside stand.

4. Section 13.5-62(1), redesignated Section 20-400 A-25(1) is amended, by deleting the existing language and replacing it with the following:

All temporary signs, except political signs, must bear the name and address of the person causing the sign to be erected. No temporary signs are permitted in the public right-of-way.

- (1) There shall be permitted in all districts, non-illuminated political signs not exceeding twelve (12) square feet in area and four (4) feet in height. Signs must be removed within fourteen (14) days after the election for which they are erected.

Except as expressly amended, the remaining provisions of Section 13.5-62, redesignated Section 20-400 A-25 remain unchanged.

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by vote of the Charter Township Flushing Board of Trustees.

Julia A. Morford, Clerk  
Charter Township of Flushing

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

- C. Motion that the *Bikes on the Bricks Committee* is authorized to make application to the Genesee County Road Commission on behalf of the Charter Township of Flushing, County of Genesee, for the necessary permits to conduct a police escorted motorcycle ride for charity – Clerk Morford

**CLERK MORFORD MOVED**, supported by Trustee Matzke to authorize the *Bikes on the Bricks Committee* to make application to the Genesee County Road Commission on behalf of the Charter Township of Flushing, County of Genesee, for the necessary permits to conduct a police escorted motorcycle ride for charity on September 12, 2015. Clerk Morford pointed out that although it states, Police Escort, the organization provides their escorts.

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

- D. Motion for approval for all Board Members to attend MERS Annual Conference 2015 – Supervisor Birchmeier

**SUPERVISOR BIRCHMEIER MOVED**, supported by Clerk Morford to allow all Board Members to attend the MERS Annual Conference. Those who do not attend after signing up or leave early, must reimburse the cost to the Township.

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

- E. Motion to approve the Supervisor, Clerk, Treasurer and Trustees attending the MTA's Professional Development Retreat to be held at Boyne Highlands Resort in Harbor Springs, Michigan; the cost will be the Retreat plus the hotel – Clerk Morford

**CLERK MORFORD MOVED**, supported by Trustee Gage to approve attendance at the MTA's Professional Development Retreat to be held at Boyne Highlands Resort in Harbor Springs, Michigan; the cost will be the Retreat plus the hotel. Those who do not attend after signing up or leave early, must reimburse the cost to the Township.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Minaudo, Matzke, Gage, Lee and Morford

**NAYS:** Martinson and Birchmeier

**MOTION CARRIED**

F. APPROVAL OF MINUTES

**TRUSTEE MARTINSON MOVED**, supported by Trustee Gage approval of the minutes of the July 9, 2015 Board Meeting.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Matzke, Gage, Lee, Morford and Minaudo

**NAYS:** Martinson and Birchmeier

**MOTION CARRIED**

**TRUSTEE MARTINSON MOVED**, supported by Supervisor Birchmeier to place approval of the July 28, 2015 minutes on the agenda for September 10, 2015

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Martinson, Minaudo and Birchmeier

**NAYS:** Gage, Lee, Matzke and Morford

**MOTION FAILED**

**TREASURER LEE MOVED**, supported by Trustee Gage to approve the minutes of the July 28, 2015 Board of Trustees Special Meeting.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Gage, Lee, Morford, Minaudo and Matzke

**NAYS:** Birchmeier and Martinson

**MOTION CARRIED**

G. PAYMENT OF BILLS

**TREASURER LEE MOVED**, supported by Supervisor Birchmeier to approve payment of bills as presented.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Morford, Minaudo, Matzke, Gage and Lee

**NAYS:** Birchmeier and Martinson

**MOTION CARRIED**

**VI. REPORTS:**

1. Flushing Township Police Department – Detective Bolin
2. Flushing Fire Department – Supervisor Birchmeier
3. Flushing Township Nature Park Advisory Committee – Treasurer Lee
4. Flushing Area Senior Center – Clerk Morford
5. Financial Report for June and July 2015 – Treasurer Lee

**VII. COMMITTEE REPORTS;**

1. Roads, Bridges, and Ditches – Supervisor Birchmeier
2. Sewer and Water – Supervisor Birchmeier

**VIII. PUBLIC COMMENTS:**

10:16 PM – OPEN FOR PUBLIC COMMENTS

One person gave comment

10:18 PM – CLOSED FOR PUBLIC COMMENTS

**IX. BOARD COMMENTS:**

Three Board Members gave comments and Attorney Moulton gave an update on Krystal Creek Subdivision Special Assessment District.

**X. NEXT REGULAR MEETING: THURSDAY, SEPTEMBER 10, 2015 at 7:00 P.M.**

**XI. ADJOURNMENT:** Meeting adjourned at 10:26 PM

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JOYCE A. WILSON, Deputy Clerk

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RIAN R. BIRCHMEIER, Supervisor

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

08/13/2015 Regular Min