

DRAFT
CHARTER TOWNSHIP OF FLUSHING

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

DATE: AUGUST 10, 2017

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

WEB PAGE: <http://flushingtowship.com>

ADMINISTRATION:

SUPERVISOR: Frederick R. Thorsby
CLERK: Wendy D. Meinburg
TREASURER: Terry A. Peck

TRUSTEES:

Jenifer Almassy
Daniel McGrath
Linda Minarik
William L. Westenbarger

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 FREDERICK R. THORSBY** with Roll Call and the Pledge of Allegiance to the American Flag.
- II. ROLL CALL:** Linda Minarik, Fred Thorsby, Dan McGrath, Wendy Meinburg, William Westenbarger, Jenifer Almassy and, Terry Peck. Attorney Steven Moulton was also present.

MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Ten (10)

Supervisor Thorsby welcomed special guests: Martin Cousineau – County Commissioner and Gatlin Meinburg – Boy Scout from Troop No. 302

APPROVAL OF AGENDA FOR August 10, 2017:

TREASURER PECK MOVED, supported by Trustee Almassy to approve the agenda as amended to include additional item under New Business: Motion to approve the water consumption and readiness to serve fee increase pass through that is effective October 2017 cycle.

THE MOTION CARRIED UNANIMOUSLY.

APPROVAL OF DRAFT MINUTES OF REGULAR BOARD MEETING OF JULY 13, 2017 MEETING:

TRUSTEE WESTENBARGER MOVED, supported by Trustee McGrath to approve the minutes of the Regular July 13, 2017 Board Meeting.

THE MOTION CARRIED UNANIMOUSLY.

APPROVAL OF PAYMENT OF BILLS:

CLERK MEINBURG MOVED, supported by Trustee Peck to approve the payment of bills.

There were several payments, i.e. computer expense, car repair and lease payments that were questioned before the vote.

THE MOTION CARRIED UNANIMOUSLY.

III. PUBLIC COMMENTS: For Agenda Items

OPEN FOR PUBLIC COMMENTS: 7:10 P.M.

No one gave comments

CLOSED FOR PUBLIC COMMENTS: 7:11 P.M.

IV. OLD BUSINESS:

1. Motion to approve amended second reading of Ordinance No. 17-2 Peddler Permit - Supervisor

TRUSTEE ALMASSY MOVED, supported by Clerk Meinburg to approve the second reading of Ordinance No. 17-2 Peddler Permit.

Attorney Moulton stated the ordinance takes effect 30 days after today.

**FLUSHING TOWNSHIP
ORDINANCE NO. 17-2**

**AN ORDINANCE TO REQUIRE A PERMIT FOR
THE SOLICITATION OF BUSINESS DOOR-TO-DOOR;
TO REQUIRE PRIOR NOTIFICATION TO THE TOWNSHIP
OF ANY DOOR-TO-DOOR ACTIVITY WITHIN THE
TOWNSHIP, TO REGULATE THE DAYS AND HOURS
OF DOOR-TO-DOOR ACTIVITY WITHIN THE TOWNSHIP;
AND, TO MAKE VIOLATION A 90 DAY MISDEMEANOR**

The Charter Township of Flushing ordains:

1. For purposes of this Ordinance "business" is defined as the sale of goods or services or any marketing activity conducted for the sale of goods or services. Business does not include the sale or marketing of goods or services undertaken by a school, school students, or parents of students, police department, fire department, or other governmental entity or any recognized non-profit or charitable organization, if the sale of goods or services is undertaken as a fund raiser for the benefit of the governmental entity, non-profit or charitable organization.

2. No individual, group, or entity shall conduct or solicit business door-to-door in Flushing Township without first obtaining a permit from the Township Clerk.

An application for a permit under this Ordinance shall be made at the Township Clerk's office upon forms provided by the Township. The application shall be dated and signed by an adult and filed with the Township Clerk at least 24 hours prior to the time in which the permit applied for shall become effective. The application shall require the following information:

(a) The name and permanent address or headquarters of the person applying for the permit.

(b) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers.

(c) The name and address of the person or persons who will be in direct charge of conducting the door-to-door business activity.

(d) The dates and times at which the business solicitation will be conducted and the locations within the Township at which the business solicitation will be conducted.

(e) A brief description of the nature of the business solicitation.

The Township Clerk shall examine each application filed under this Ordinance for a permit and shall make such further investigation on the application and the applicant as the Township Clerk shall deem necessary. The Township Clerk shall issue the permit only if the Township Clerk is satisfied the information set forth on the application is true and accurate and the applicant is not engaged in any fraudulent transaction or enterprise.

Before a permit is issued, the applicant shall pay to the Township a permit fee in an amount to be established by resolution of the Board, as adopted from time to time. Permits shall be effective for six months from date of issuance.

Each permit may authorize up to 5 employees or other persons associated with applicant to engage in door to door business solicitation within the Township. The names of each employee or other person so authorized shall be stated in the permit application and permit. If an applicant intends more than 5 employees or other persons to act on behalf of applicant, applicant may obtain a supplemental permit(s) with each supplemental permit authorizing up to 5 additional employees or other persons to act on behalf of applicant. Before a supplemental permit is issued, the applicant shall pay to the Township a supplemental permit fee in an amount to be established by resolution of the Board, as adopted from time to time.

Each employee or other person acting on behalf of applicant shall carry valid personal ID, identification identifying the employee or other person as associated with applicant, and a copy of the permit when soliciting in the Township.

3. Any governmental, non-profit, or charitable organization which engages in any door-to-door sales or other fund raising activity shall notify the Township Clerk, in writing, at least 24 hours prior to the start of the fund raising activity. The written notice shall provide the Clerk with the name of the organization; name, address and telephone number of the individual within the organization who will be in charge of the fund raising activity; estimated number of persons who will be engaged in the fund raising activity; a brief statement of the nature of the fund raising activity; the area of the Township in which the fund raising activity will be conducted; and, the dates and times during which the fund raising activity will be conducted. The notice shall not exceed an effective period of fourteen (14) days.

4. Any individual or entity which distributes printed material or other information door-to-door, or seeks to poll or otherwise obtain information door-to-door, or which goes door-to-door for any purpose, except the purposes identified in Section 5 of this Ordinance, shall notify the Township Clerk, in writing, at least 24 hours prior to the start of the door-to-door activity. The notice shall set forth the same information as required in Section 3 of this Ordinance. The notice shall not exceed an effective period of fourteen (14) days.

5. Except for Section 7, the requirements of this Ordinance shall not apply to the following:

(a) Going door-to-door for purposes of providing or obtaining information regarding any political campaign, ballot question, or any other matter reasonably related to any aspect of government, public affairs, or matters of general public concern.

(b) Going door-to-door to provide information or to solicit information regarding any church or religion.

(c) Any door-to-door activity which is not related to the conduct of business and which does not involve knocking on the door or otherwise attempting to cause the occupants to come to the door. For example, leaving flyers door-to-door advertising an event conducted by a non-profit or charitable organization.

6. This Ordinance shall not be interpreted to prohibit or to require permits or prior notification of any door-to-door contacts or solicitation by an individual or group engaged in religious expression.

7. No door-to-door activity shall be conducted prior to 10:00 a.m., or after 7:00 p.m. No business activity shall be conducted at any time on Sunday, or on the following holidays: New Years Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day, and New Years Eve.

8. Violation of this ordinance shall be a misdemeanor, conviction of which shall subject the violator to a maximum fine not to exceed \$500 and/or up to 90 days in the county jail.

9. This ordinance shall be effective 30 days following publication.

Adopted the _____ day of _____ 2017, by the vote of the Charter Township of Flushing Board of Trustees.

Wendy Meinburg, Clerk
Charter Township of Flushing

**ACTION ON THE MOTION:
THE MOTION CARRIED UNANIMOUSLY**

V: NEW BUSINESS

1. Motion to approve Quarterly Budget ending June 30, 2017 – Treasurer

CLERK MEINBURG MOVED, supported by Treasure Peck to approve Quarterly Budget ending June 30, 2017.

THE MOTION CARRIED UNANIMOUSLY.

2. Motion to approve the June and July Financial Statement– Treasurer

TRUSTEE MCGRATH MOVED, supported by Clerk Meinburg to approve the June and July Financial Statement.

THE MOTION CARRIED UNANIMOUSLY.

3. Motion to approve the revised Hall/Park Rental Contract – Supervisor

TRUSTEE ALMASSY MOVED, supported by Treasurer Peck to approve the Hall/Park Rental Contract.

A brief discussion ensued and several changes were made to the form, therefore, the following motion was made:

TREASURER PECK MOVED, supported by Trustee McGrath to approve the Hall/Park Rental Contract as amended and listed below.

THE MOTION CARRIED UNANIMOUSLY.

**APPLICATION AND PERMIT TO USE
TOWNSHIP HALL OR PARK**

Applicant, the individual or organization identified below, is authorized to use the Township Hall or Park on the date and time stated for the purpose stated.

Individual/Organization:

NAME: _____

ADDRESS: _____

EMAIL: _____ PHONE: _____

DATE: _____ CELL PHONE: _____

PURPOSE: _____

HALL/PAVILION

Hall Deposit/Park Fee due at the time of reserving. Hall fee due the week of the event.

_____ Business or organization meeting without use of kitchen facilities	\$50
_____ Township Resident, including kitchen facilities, tables and chairs	\$100
_____ Non-Resident, including kitchen facilities, tables and chairs	\$150
_____ Park Pavilion	\$50

Use of the hall includes the right to use the parking lot adjacent to the Township offices, adjacent grounds, access through the main door, foyer, entry hallway, adjoining restrooms and kitchen (if applicable). "Hall" as used in this Permit, includes these facilities.

Use of the park pavilion includes the right to use the parking lot in the park and the restrooms on the property.

DEPOSIT (In addition to the rental fee)

At the time of booking the Hall, Applicant shall pay a security deposit of \$100. The Security deposit shall be refundable in the event of cancellation by Applicant, provided the Township is notified of the cancellation at least 7 days prior to the scheduled use. Following the scheduled use, the security deposit shall be refunded upon confirmation by the Township that the Hall was returned in a clean and orderly condition. In the event the Hall is not returned in a clean and orderly condition, the refund shall be forfeited in reimbursement to the Township for time and expense incurred in restoring the hall to proper condition. In the event the amount of the deposit is insufficient to cover the cost to clean and restore the Hall, Applicant shall be liable for the difference to be paid 10 days following. Refunds shall be returned within 14 days following the event.

PICKING UP AND RETURNING KEYS.

1. Monday through Thursday (Township offices are closed on Fridays) prior to the scheduled date, pick up keys at the Township offices. The keys operate the door adjacent to the kitchen area.
2. When using the door adjacent to the kitchen area, remove the small metal door clip on the single door. Keep the key with you as you cannot get into the building without the key.
3. To allow access through the main entry, unlock the double glass doors from the inside.

- 4. Small white sign is located by the phone in the kitchen area and has emergency numbers for Clerk, Wendy D. Meinburg-810-955-4300 and Supervisor, Frederick R. Thorsby-810-516-8039.
- 5. When leaving, lock the main entry doors and exit through the kitchen single door. Remove the door clip and this door will lock automatically. Please make sure the door is latched when closed. Place key in the Deposit Box located to the right of the main entry doors of the Main Office.

RULES OF USE

- 1. All activity shall be conducted in compliance with all federal, state and local laws.
- 2. The number of persons present at one time in the hall and adjoining areas shall not exceed 125.
- 3. No alcoholic beverages are permitted on Township property.
- 4. No smoking is permitted in the Township building.
- 5. No stoves or cooking units (electric or gas) or grills shall be brought into or used in the Township building. Food warming units are permitted.
- 6. No part of the Township Building shall be damaged, marred or defaced. No nails, screws, hooks or any type of mechanical fasteners shall be installed in any part of the building. Tape and adhesives shall not be used on any painted wall.
- 7. All signs, posters, ribbons and decorations shall be removed and properly disposed of immediately following the conclusion of the event.
- 8. The Hall/Pavilion shall be returned in clean and proper condition with all trash properly disposed of. Trash and garbage bags may be placed in the dumpster located outside, east of the building.
- 9. Do not remove Township property from the Hall/Pavilion. At the end of the event, return all Township property to proper location. Do not touch or remove the fire extinguishers unless used for emergency.
- 10. All cleaning supplies are the responsibility of Applicant.
- 11. Township is not responsible for any personal belongings or materials used in the event that are left behind.
- 12. The rights granted by this permit for the Park are nonexclusive: there may be other individuals and/or organizations in the Park. Applicant will recognize the rights of the others in the Park.

PARK

Date and Time of Scheduled Arrival at the Nature Park: _____

Date and Time of Scheduled Departure: _____

Number of Persons Attending: _____

Planned Activities: _____

NONTRANSFERABLE

The right to use the Township Hall or Park as authorized by this permit is nontransferable.

TERMINATION/REMOVAL FOR NON-COMPLIANCE

Township reserves the right to immediately terminate this permit in the event of any violation of the terms of the Permit and, in the event of termination; User shall not be entitled to a refund of the usage fee and shall forfeit the deposit. Township also reserves the right to remove User or any guest of User who fails to abide by the terms of the Permit.

TOWNSHIP INFORMATION:

Charter Township of Flushing, 6524 N. Seymour Road, Flushing, MI 48433
Office Hours: Monday through Thursday, 8:00 a.m. to 6:00 p.m.
Telephone: 810-659-0800
Police: 810-659-0809
Emergency: 911

**RULES TO USE
TOWNSHIP PARK FOR OVERNIGHT USE
EXCLUSIVE FOR NON-PROFIT ORGANIZATIONS**

Overnight Stays.

1. Applicant (Applicant includes Applicant’s members and guests) represents to Township that the overnight stay and all activities related thereto will be in full compliance with all Township ordinances, including rules and regulations applicable to the Park.
2. The rights granted by this Permit are nonexclusive; there may be other individuals and/or organizations in the Park, including overnight, and Applicant will recognize the rights of others using the Park.
3. Applicant understands use of the Park is at Applicant’s own risk, and Township makes no warranties, representations or statements regarding the safety or condition of the Park or its fitness for any particular use., Applicant acknowledges the Park is a “Nature Park’ with most of the Park area in natural condition; the Park is inhabited/frequented by various wildlife; and, a large part of the Park abuts the Flint River with no barriers or restrictions.
4. The right to the Park overnight does not include any specific rights to the Pavilion, unless use of the Pavilion is expressly provided for and the applicable fee and deposit are paid.
5. Must have an adult (18 years and older) present at all times.

APPLICANT:

Signature _____

Approved _____ Date: _____

4. Motion to approve the revised No Smoking Policy – Supervisor

CLERK MEINBURG MOVED, supported by Treasurer Peck to approve the revised “No Smoking Policy”.

NON-SMOKING POLICY

BACKGROUND

A tobacco-free environment helps create a healthy and more efficient workplace. Smoking, secondhand smoke, the use of smokeless tobacco and other tobacco related products are known to cause lung disease, various cancers, and heart disease. In recognition of these concerns, the state of Michigan, in 2009, amended the Michigan Clean Indoor Air Act prohibiting smoking and the use of tobacco products in public places. Effective August 6, 2016, the FDA extended its regulatory authority over tobacco products to include Electronic Nicotine Delivery Systems (ENDS).

POLICY

It is the policy of Flushing Township to provide a tobacco-free environment for all employees and visitors as set forth below. This policy covers the use of any tobacco product and related devices and applies to both employees and non-employee visitors to the Flushing Township offices, police department and all areas within the Township building and immediately adjoining property within 50 feet of the building (the Township Facilities) at 6524 N. Seymour Rd., Flushing, Michigan.

DEFINITIONS

Tobacco and tobacco products are as defined in the Michigan Clean Indoor Air Act to include cigarettes, cigars, non-cigarette smoking tobacco, smokeless tobacco, snuff, chewing tobacco and any other tobacco intended to be consumed by means other than smoking and includes, as defined by the FDA in its Deeming Regulation, all products used by means of a vaporizer, vapor pen, hooka pens, electronic cigarettes (e-cigarettes) e-pipes and any and all types of electronic nicotine delivery systems.

SMOKING

Smoking is broadly defined as all means of using or consuming tobacco products, including inhalation of lighted tobacco products, the chewing or ingestion of tobacco products and use or consumption of tobacco products by means of electronic delivery systems.

PROHIBITION

Smoking, as defined, is prohibited in all parts of the Township Facilities. In addition, smoking is prohibited in all Township vehicles whether owned or leased by the Township for township use.

PROCEDURES

- (1) Each Township employee shall be given a copy of this policy and shall sign a duplicate copy of the Policy acknowledging receipt, which shall be retained in the Employee’s personnel file.
- (2) Signs shall be posted in appropriate places throughout the Township Facility informing visitors smoking and the use of tobacco products is prohibited.

(3) Any violation of the policy will be handled through standard disciplinary procedures with respect to employees; visitors shall be directed to cease any conduct in violation of the policy.

(4) This policy is incorporated by reference as part of the Township's Personnel Manual, the Police Employee Manual and the Police Civilian Employee Manual and any provision to the contrary is superseded by this Policy.

After discussion regarding State and Federal Law, the following vote was taken.

THE MOTION CARRIED UNANIMOUSLY.

5. Motion to approve the water consumption and readiness to serve fee increase pass through that is effective October 2017 billing cycle.

TREASURER PECK MOVED, supported by Trustee Westenbarger to approve the water consumption and readiness to serve fee increase pass through that is effective October 2017 billing cycle. Water consumption will increase an additional .18 cents per 100 cubic feet with the new cost being \$6.18 per 100 cubic feet. Readiness to serve fees are based on meter size.

There was a brief discussion regarding the fluoride that is added to the water and Treasurer Peck stated there was a facebook page which had good information on the effects of fluoride and suggested the Township post to their web site directions on how to access the fluoride face book page which is Fluoride Free Genesee County.

THE MOTION CARRIED UNANIMOUSLY.

VI. REPORTS:

1. Supervisor Thorsby stated work has been done on updating and organizing the ordinances and there will also be a meeting with Attorney Moulton, also, still working on the issue of a Building Inspector. The speed limit reduction on Carpenter Road has been approved by the Genesee County Road Commission. Supervisor Thorsby reported battery operated carbon monoxide detectors had been placed in all police vehicles. He further stated quotes were going to be obtained for repairing the parking lot. He was also working on membership for the Compensation Commission.
2. Clerk Meinburg stated she had gone to Oakland County to observe the operation of the new voting equipment in an election.
3. Treasurer Peck gave a brief Treasurer's report.
4. Flushing Township Police Department Report was given by Supervisor Thorsby in the absence of Chief Fairchild. Trustees Westenbarger and Almassy briefly discussed the number of citations given. Trustee McGrath suggested discussing this when Chief Fairchild was in attendance. Supervisor Thorsby stated he would discuss with the Chief
5. Fire Department Report – Given by Supervisor Thorsby

VII. PUBLIC COMMENTS:

OPEN FOR PUBLIC COMMENTS: 8:09 P.M.

Three individuals gave comments

CLOSED FOR PUBLIC COMMENTS: 8:15 P.M.

VIII. BOARD COMMENTS:

Trustees Minarik and Almassy spoke briefly about the Flint and Genesee County water issues. Trustee McGrath reported for the Senior Center stating a Wood Shop would be available for Seniors to use at the school on Coutant. He further stated Seniors could use the gym at that school for Pickle Ball.

IX. ADJOURNMENT:

TRUSTEE WESTENBARGER MOVED, supported by Trustee Minarik to adjourn the meeting at 8:45 P.M.

THE MOTION CARRIED UNANIMOUSLY.

WENDY D. MEINBURG, Clerk

FREDERICK R. THORSBY, Supervisor

APPROVED DATE _____

RECORDING SECRETARY: Joyce A. Wilson, Deputy Clerk

08/10/2017 Regular Min