

CHARTER TOWNSHIP OF FLUSHING

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

**DATE: JUNE 9, 2022
PHONE: 810-659-0800**

**TIME: 7:00 P.M.
FAX: 810-659-4212**

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

ADMINISTRATION:

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

TRUSTEES:

William Bain
Linda Minarik
William L. Westenbarger
Sharilynn K. Willette

TOWNSHIP ATTORNEY:

MATTHEW S. MCKONE PLLC
6258 W. Pierson Road
Flushing, MI 48433
810-410-4204

- I. MEETING CALLED TO ORDER** at 7:00 P.M. by **SUPERVISOR THORSBY** with Roll Call and the Pledge of Allegiance to the American Flag.
- II. ROLL CALL:** Peck, Thorsby, Willette, Westenbarger, Bain, Minarik and Meinburg. Attorney Matt McKone was also present.

MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Thirty-nine (39)

APPROVAL OF AGENDA FOR JUNE 9, 2022

TREASURER PECK MOVED, supported by Trustee Westenbarger to approve the agenda for June 9, 2022.

THE MOTION CARRIED UNANIMOUSLY.

APPROVAL OF DRAFT MINUTES OF THE BOARD MEETING OF MAY 12, 2022

CLERK MEINBURG MOVED, supported by Treasurer Peck to approve the minutes of the May 12, 2022 Board Meeting.

THE MOTION CARRIED UNANIMOUSLY.

APPROVAL OF DRAFT MINUTES OF THE SPECIAL BOARD MEETING OF MAY 17, 2022

CLERK MEINBURG MOVED, supported by Treasurer Peck to approve the minutes of the May 17, 2022 Special Board Meeting.

THE MOTION CARRIED UNANIMOUSLY.

APPROVAL OF PAYMENT OF BILLS

TREASURER PECK MOVED, supported by Trustee Willette to approve the payment of bills as presented.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Meinburg, Westenbarger, Thorsby, Bain, Peck, Minarik and Willette

NAYS: None

ABSENT: None

THE MOTION CARRIED UNANIMOUSLY.

III. PUBLIC COMMENTS:

OPEN FOR PUBLIC COMMENTS: 7:03 P.M.

One comment was made by township resident, Eric Terbush, who informed the Board of Trustees that he and fellow residents had circulated a petition and obtained 244 signatures of township residents

who are requesting the language of the Flushing Township solar ordinance be changed to ensure that it is interpreted that a 25% maximum be enforced and no more. He presented the petition and signatures to Clerk Meinburg who will verify the signatures.

CLOSED FOR PUBLIC COMMENTS: 7:05 P.M.

IV. UNFINISHED BUSINESS:

None

V. NEW BUSINESS:

1. Motion to approve Second Reading of ORDINANCE 22-03 AN ORDINANCE TO IMPOSE AN EMERGENCY TEMPORARY MORATORIUM ON ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR COMMERCIAL SOLAR ENERGY COLLECTOR SYSTEM INSTALLATIONS REGULATED BY CHARTER TOWNSHIP OF FLUSHING SOLAR ENERGY ZONING ORDINANCE PROVISIONS.

TREASURER PECK MOVED, supported by Trustee Bain to approve the Second Reading of ORDINANCE 22-03 AN ORDINANCE TO IMPOSE AN EMERGENCY TEMPORARY MORATORIUM ON ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR COMMERCIAL SOLAR ENERGY COLLECTOR SYSTEM INSTALLATIONS REGULATED BY CHARTER TOWNSHIP OF FLUSHING SOLAR ENERGY ZONING ORDINANCE PROVISIONS.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Thorsby, Bain, Minarik, Westenbarger, Willette, Peck and Meinburg

NAYS: None

ABSENT: None

THE MOTION CARRIED UNANIMOUSLY.

CHARTER TOWNSHIP OF FLUSHING

GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 22- 03

AN ORDINANCE TO IMPOSE AN EMERGENCY TEMPORARY MORATORIUM ON ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR COMMERCIAL SOLAR ENERGY COLLECTOR SYSTEM INSTALLATIONS REGULATED BY CHARTER TOWNSHIP OF FLUSHING SOLAR ENERGY ZONING ORDINANCE PROVISIONS

WHEREAS, the Charter Township of Flushing enacted the Solar Energy Zoning Ordinance Provisions in order to establish legal guidelines for the potential installation of Commercial Solar Energy Collector Systems (colloquially referred to as “solar farms”); and

WHEREAS, those Solar Energy Zoning Ordinance Provisions mandate that “the total area of ground-mounted solar energy collections...shall not exceed a maximum lot coverage of 25 percent...”; and

WHEREAS, there is a potential ambiguity in the language of the Solar Energy Zoning Ordinance Provisions regarding lot coverage which has caused confusion and concern among the community and which would benefit from review by the Council; and

WHEREAS, the acceptance and processing of new applications under the Solar Energy Zoning Ordinance Provisions during the period of review of the language in question would cause unnecessary confusion for the Charter Township and for applicants;

THE CHARTER TOWNSHIP OF FLUSHING HEREBY ORDAINS:

1. A moratorium is immediately placed on the submission, review, and issuance of applications for commercial solar energy collector system installations.
2. The moratorium shall be in effect for 90 (ninety) days from the date of this ordinance’s enactment unless terminated earlier or extended by appropriate action of the Charter Township of Flushing Board of Trustees.
3. This moratorium shall apply to any pending application or any application that is submitted subsequent to the enactment date of this Ordinance.

YES: _____

NO: _____

ABSTAIN: _____

ABSENT: _____

THE ORDINANCE IS DECLARED: _____ ADOPTED or _____ NOT ADOPTED

Passed and approved by the Charter Township of Flushing Board of Trustees, on the ____ day of June, 2022.

Supervisor Thorsby explained that with this moratorium in conjunction with the petition submitted by township residents, the Board of Trustees will ask the

Planning Commission to review the ordinance and ensure that the provisions that were originally placed on the ordinance are upheld, and if any language needs to be changed in order to avoid any ambiguity as to the ordinance's intent, the Planning Commission will address and make those changes.

Attorney Matt McKone echoed Supervisor Thorsby, restating that the moratorium coupled with the petition is the "vehicle" that will be used to allow the ordinance's language to be modified to reflect it's original intent without question.

2. Motion to approve pricing for 2022 Dust Control Program (chloride application) from Genesee County Road Commission.

CLERK MEINBURG MOVED, supported by Trustee Westenbarger to approve Pricing for 2022 Dust Control Program (chloride application) from Genesee County Road Commission.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peck, Bain, Meinburg, Thorsby, Westenbarger, Minarik and Willette

NAYS: None

ABSENT: None

THE MOTION CARRIED UNANIMOUSLY.

3. Discussion and possible motion on parking lot repairs/upgrades at the township office.

TRUSTEE WILLETTE MOVED, supported by Clerk Meinburg to approve parking lot repairs/upgrades and accept the bid from Black Jack Asphalt and Concrete of \$10,600 .

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Meinburg, Willette, Bain, Peck, Minarik, Westenbarger, and Thorsby

NAYS: None

ABSENT: None

THE MOTION CARRIED UNANIMOUSLY.

TREASURER PECK MOVED, supported by Trustee Willette to accept the bid from Josh Upleger of \$6800 to complete concrete work for the township office.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peck, Minarik, Willette, Bain, Westenbarger, Thorsby and Meinburg

NAYS: None

ABSENT: None

THE MOTION CARRIED UNANIMOUSLY.

4. Discussion and possible motion on removal of dead/dying trees at the township office.

TREASURER PECK MOVED, supported by Trustee Westenbarger to approve the bid from JB's Tree Service of \$1600 to remove dead/dying trees at the township office.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peck, Meinburg, Minarik, Bain, Willette, Westenbarger and Thorsby

NAYS: None

ABSENT: None

THE MOTION CARRIED UNANIMOUSLY.

5. Closed session to discuss employee contract.

At this time, attorney Matt McKone gave clarification that the closed session was pursuant to MCL 15.268 (a), a closed session for periodic personnel evaluation as requested by the employee.

TRUSTEE WESTENBARGER MOVED, supported by Trustee Willette to go into closed session.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Thorsby, Westenbarger, Meinburg, Bain, Peck, Willette and Minarik

NAYS: None

ABSENT: None

THE MOTION CARRIED UNANIMOUSLY.

At 7:22 P.M. the meeting went into closed session.

SUPERVISOR THORSBY called the regular meeting back to order at **7:37 P.M.**

ROLL CALL:

AYES: Thorsby, Bain, Minarik, Westenbarger, Peck, Meinburg and Willette

NAYS: None

ABSENT: None

THE MOTION CARRIED UNANIMOUSLY.

VI. REPORTS:

1. Supervisor's Report – Supervisor
Monthly Building Report
Monthly Code Enforcement Report
Fire Department Report

Supervisor Thorsby reported that the Tire Recycle Day held on 6/4/22 was a huge success and is something the township will try to do once a year. Supervisor Thorsby gave a brief overview of the roles of the Planning Commission, the Board of Trustees and the Zoning Board of Appeals and how they each work as separate bodies for the benefit of the township and its residents. He further explained that any resident can submit a request for a special use permit. It is then the job of the respective boards to follow the ordinances and make the decision to approve or deny the request. Supervisor Thorsby also shared some examples of the updates of the township website from MuniWeb. Supervisor Thorsby announced there will be a Special Board of Trustees Meeting on Thursday, June 30, 2022 at the Flushing Township Hall. This meeting is for the purpose of discussing a potential investment company for the township.

2. Clerk's Report – Clerk

Clerk Meinburg gave a report on the upcoming election. Applications for permanent AV voters have been sent and things are well underway. Training for recertification of election inspectors will be starting soon.

3. Treasurer's Report – Treasurer
Water Report
February Financial Report

Treasurer Peck reported that auditors from Yeo & Yeo were at the office this week for the annual audit. He commended Finance Director, Karla Carpenter for the outstanding job she does. Treasurer Peck also gave a water report and a financial report.

4. Flushing Township Police Department – Chief Bolin

Chief Bolin reported the statistics from the police department for May 2022.

VII. PUBLIC COMMENTS

OPEN FOR PUBLIC COMMENTS: 7:54 P.M.

Four comments were made.

CLOSED FOR PUBLIC COMMENTS: 8:00 P.M.

VIII. BOARD COMMENTS:

Trustee Bain inquired if the grass along the road in the ditches was going to be mowed as it is getting high. Supervisor Thorsby informed him that they will be mowed.

Trustee Westenbarger encouraged people to apply for AV ballots. He commented that Clerk Meinburg does a fantastic job with elections for the township, ensuring they are conducted safely and securely. Trustee Westenbarger also commented on railroad crossings and the need to use extreme caution as visibility can be poor. He further reported that there is a blue sign at all railroad crossings that contains a number anyone can call if they have any concerns.

Treasurer Peck commented that there is a newly installed drop box at the township office that is safe and secure. He also thanked Mr. Terbush for taking the initiative

to circulate a petition and obtain signatures.

Trustee Minarik commented that the railroad crossing at Stanley Road has terrible visibility. There is also brush on Carpenter and Duffield Roads that needs to be addressed, as visibility here is also poor and potentially hazardous.

Trustee Willette thanked those that got petitions together. She stated it is nice to see that government does work and that people are committed to get out and involve themselves in making a governmental decision.

IX. NEXT REGULAR MEETING: July 14, 2022

X. ADJOURNMENT

TRUSTEE WESTENBARGER MOVED, supported by Trustee Minarik to adjourn the meeting at 8:05 P.M.

THE MOTION CARRIED UNANIMOUSLY.

WENDY D. MEINBURG, Clerk

FREDERICK R. THORSBY, Supervisor

APPROVED DATE _____

RECORDING SECRETARY: Mandy Hemingway, Deputy Clerk
6/9/2022