

**CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
SPECIAL BOARD OF TRUSTEES MEETING
DATE: FEBRUARY 18, 2004 TIME: 1:00 P.M.
PHONE: 810-659-0800 FAX 810-659-4212
WEB PAGE: <http://www.flushingtowship.com>**

ADMINISTRATION MEMBERS

SUPERVISOR: Andrew Trotogot
CLERK: Julia A. Morford
TREASURER: Carl G. Liepmann

TRUSTEES

Ronald R. Flowers
Ann L. Fotenakes
Michael S. Gardner
Ida M. Reed

TOWNSHIP ATTORNEYS:

John Siler and Steven Moulton
Bellairs, Dean, Cooley,
Siler, Moulton & Smith

SUPERVISOR TROTOGOT opened the Board Meeting at 1:00 p.m. with roll call.

ROLL CALL: Trotogot, Morford, Liepmann, Flowers, Gardner, and Attorney Moulton
MEMBERS ABSENT: Fotenakes and Reed

OTHERS PRESENT: Chief Doug Kennedy of the Charter Township Police Department

ADOPTION OF THE AGENDA: FLOWERS MOVED, seconded by Liepmann to adopt the Agenda as presented. **MOTION CARRIED.**

APPROVAL OF MINUTES: None

APPROVAL OF BILLS: None

UNFINISHED BUSINESS FOR CONSIDERATION:

1. Consideration of Adoption of Most Recent Rewritten Uniform Traffic Code

ATTORNEY STEVE MOULTON (ATTORNEY MOULTON) stated there had been a glitch in the ordinance to adopt some changes in the Motor Vehicle Code which was effective November 1, 2003. The changes had been in the “drunk driving laws” by simply reducing the minimum BAC from .1 to .08, to change what is now referred to as driving while intoxicated as opposed to OUIL. An Ordinance has been put together to implement the changes as part of the local ordinance. One (1) year ago, the Uniform Traffic Code was amended.

The proposed Ordinance is based on the model ordinance that was promulgated by the Attorneys of the Michigan Township Association, since all jurisdictions were going to be doing the same essential thing in the latter part of 2003, in adopting the changes to the drunk driving laws. The proposed ordinance also picks up the latest version of the Uniform Traffic Code which the township adopted by reference many years ago. The Michigan State Police completely amended and reinstated the law which was affective November 1, 2002; there were technical changes made into the ordinance so the final form would be as of November 1, 2003.

The proposed ordinance states:

- Section I:** adopts the latest version of the Uniform Traffic Code
- Section II:** adopts by reference certain provisions of the Motor Vehicle Code and specifically laid out and pick up all the regulations regarding the drinking and driving offences including those that were recently changed in the latter part of 2003

Section III: adoption by reference other provisions of the Michigan statutes primarily one provision of the insurance code that will allow the officers to write no insurance on a motor vehicle as required by law

Section IV: also included but may not be using that frequently, certain provisions of the Natural Resources and Environmental Protection Act that will allow the officers to write tickets. In the past there have been many individuals operating snowmobiles in violation of the statutory requirements.

Also a provision of the Michigan Liquor Control Act which would be redundant to the Township since the Township adopted by specific ordinance provisions governing minors, possessing, drinking, alcohol. This would put everything with regards to traffic ordinances into one clean consolidated ordinance.

Section V: The Penalties

Section VI: Severability

Section VII: Deemed as an emergency ordinance as provided in MCL 42.20(2): The authority to enforce traffic laws being essential to the public health, safety, and welfare, this Ordinance is declared to be an emergency Ordinance as provided in MCL 42.20(2) to be immediately effective upon publication.

ATTORNEY MOULTON stated that upon the first publication, the ordinance would be effective and recommends a second reading at the March 11, 2004 Regular Scheduled Board of Trustees Meeting.

LIEPMANN MOVED, seconded by Flowers to adopt the most recent rewritten Uniform Traffic Code. MOTION CARRIED.

LIEPMANN MOVED, seconded by Flowers to go into Executive Closed Session to consider Circuit Court Case No. 02-75168-CK.

ROLL CALL VOTE:

AYES: Flowers, Gardner, Liepmann, Morford, and Trogot

NAYS: 0 MOTION CARRIED.

ABSENT: Fotenakes and Reed

1:10 P.M. – ADJOURNED INTO EXECUTIVE SESSION

1:30 P.M. – RECONVENED TO SPECIAL BOARD OF TRUSTEES MEETING

LIEPMANN MOVED, seconded by Flowers to reconvene back to the Special Board of Trustees Meeting. MOTION CARRIED.

NEW BUSINESS: None

COMMITTEE REPORTS: None

REPORTS: None

PUBLIC COMMENTS: None

BOARD COMMENTS: None

THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, MARCH 11, 2004 AT 7:00 P.M.

ADJOURNMENT: There being no further business matters, Supervisor Trogotot adjourned the meeting at 1:31 p.m.

Julia A. Morford, Clerk

Andrew Trogotot, Supervisor

APPROVED DATE: _____

02/18/04 Regular