

**CHARTER TOWNSHIP OF FLUSHING**  
**6524 N. SEYMOUR ROAD**  
**PUBLIC HEARING - BOARD OF TRUSTEES MEETING**  
**DATE: MARCH 11, 2004**                      **TIME: 7:00 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 7:00 p.m. with roll call and the Pledge to the American Flag.

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

**OTHERS PRESENT:** Ted Breidenstein, Gary Niethammer of Wilcox Associates of Saginaw, Michigan, Mike Munsell, Dave Gibbs of the Flushing Planning Commission, Vic Lake, Rick Spank, Rich Bysko, Thomas Schumaker, Larry Adkins of L.A. Construction, and Flushing Nature Park Manager Tom Enright

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

**APPROVAL OF MINUTES OF FEBRUARY 12, 2004: LIEPMANN MOVED**, seconded by Flowers to approve the minutes of February 12, 2004 as presented. **MOTION CARRIED.**

**APPROVAL OF MINUTES OF SPECIAL MEETING OF FEBRUARY 18, 2004: FLOWERS MOVED**, seconded by Liepmann to approve the minutes of the Special Meeting of February 18, 2004 as presented. **MOTION CARRIED.**

**APPROVAL OF BILLS: FOTENAKES MOVED**, seconded by Flowers to pay the bills as presented in the amount of \$178,185.47. **REED** inquired about the late fee charge on the credit card statement; **MORFORD** stated the Bookkeeper had been in the hospital but would check further into the matter. **FOTENAKES** inquired about Check No. 13430 for Ervin Leasing which was the monthly lease payment for the Police Department copier.

**ROLL CALL VOTE:**

**AYES:** Flowers, Fotenakes, Liepmann, Morford, Reed, and Trotogot

**NAYS:** 0            **MOTION CARRIED.**

**ABSENT:** Gardner

**SPECIAL PRESENTATION: ATTORNEY BARRY WOLF (WOLF)** was present to give a presentation regarding his candidacy for the office of the Genesee County Prosecuting Attorney, Democrat Party.

**WOLF** stated he and his wife moved to Genesee County in 1975; Mrs. Wolf teaches in the Carman-Ainsworth School District. **WOLF** has two (2) daughters: one daughter, age 26, teaches in the Kearsley School District and the younger daughter is 22 and a student at Flint U of M. **WOLF** taught in the Beecher School District for eleven and one-half (11 ½) years; the first three (3) years as an Alternative High School for

Alternative Secondary School where students were recruited who dropped out of school. **WOLF** obtained his graduate certificate and worked with Special Education Students for the remaining eight (8) years while attending law school at night for the last three (3) years. In 1987, **WOLF** graduated from Law School and passed the Bar Exam; he began working as an Assistant Attorney for the City of Flint. One half of his work pertained to working with Misdemeanors/Ordinance Violations; the other half was working with Civil Litigations and City Ordinances.

**WOLF** has been in private practice since 1990. During the past fourteen (14) years, between 25 to 40% of his practice has been doing criminal defense work. Due to his work as a criminal defense attorney, he became interested in being a candidate for the Genesee County Prosecuting Attorney. A number of good people work in the office, but the Prosecutor's Office needed more management.

There are two (2) candidates for the position of Genesee County Prosecuting Attorney: **WOLF** and Attorney David Leyton, Clerk of Flint Township. This will be the first time in over thirty (30) years where there will not be an incumbent for the Office of Prosecuting Attorney.

Over the last eight (8) years, **WOLF** has handled over 150 felony cases in such matters as trials involving murder, armed robbery, kidnapping, and drug cases. **WOLF** felt there should be more qualified staff to make the necessary adjustments so there would be a staff that would represent the kind of trial attorneys that defense attorneys would have some concern about.

**WOLF** stated that if he is elected, and when he left office, his goal would be to have the most respected Prosecutor's Office in the State with the best set of trial attorneys in the State of Michigan.

**7:05 P.M. – OPENED - PUBLIC HEARING REGARDING MICHIGAN DEPARTMENT OF NATURAL RESOURCES (DNR) GRANT FOR FLUSHING NATURE PARK**

**LIEPMANN** stated the Public Hearing Notice was published in The Flint Journal on Sunday March 7, 2004 and states as follows:

“The Charter Township of Flushing will hold a Public Hearing on Thursday, March 11, 2004 at 7:00 p.m. at the Charter Township of Flushing Hall, 6524 N. Seymour Road, Flushing, Michigan 48433, regarding the intention of the Flushing Township Nature Park to apply for a Michigan Department of Natural Resources Grant.

If you are unable to attend, you may direct your concerns by mail to the attention of Tom Enright, park Manager, 6524 N. Seymour Road, Flushing, Michigan 48433.”

The grant total is for \$221,025; the same grant had been applied for last year which the DNR had required a twenty-five (25%) percent matching fund. If a higher percentage of matching funds were available, there would be more points to be considered for the grant. Some communities that had applied for the grant, matched by 40%, had received the grants. The Parks and Recreation Committee recently revisited the same grant and have proposing to apply the second time. The grant monies would be used for additional boardwalk, two (2) fishing docks, an interpretive garden with signage, more environmental interpretive signage, and water service from McKinley Road back to the area where water currently is located.

In-kind donations could also be used as part of the match. Flushing Nature Park Manager **TOM ENRIGHT** has been in contact with some of the Boy Scout Troops and Service Organizations in the area; \$19,800 would be available for in-kind match. With the totals of \$59,770 that would come from the Park Fund and the \$19,800, the match would be

increased to thirty-six (36%) percent. The matching amount between thirty-five (35%) percent and forty (40%) percent guarantees the same amount of points.

THERE WERE NO QUESTIONS OR COMMENTS FROM THE AUDIENCE REGARDING THE DNR GRANT.

**LIEPMANN MOVED**, seconded by Reed that the Township approve the request of the Park Committee to apply for a Department of Natural Resources (DNR) Trust Fund grant in the amount of \$221,025.00 with 36% matching funds, \$19,800.00 in-kind and \$59,770.00 cash from the Park Fund Account.

ROLL CALL VOTE:

AYES: Fotenakes, Liepmann, Reed, Flowers, Morford, and Trogot

NAYS: 0 MOTION CARRIED.

ABSENT: Gardner

**7:08 P.M. – PUBLIC HEARING CLOSED**

**UNFINISHED BUSINESS FOR CONSIDERATION:**

**1. Second Reading of the Flushing Township Traffic Code Ordinance 58-03)**

**LIEPMANN MOVED**, seconded by Fotenakes to approve the second reading of the Flushing Township Traffic Code Ordinance No. 58-03. MOTION CARRIED.

**NEW BUSINESS:**

**1. HealthPlus of Michigan Contract**

Different insurance programs have been researched by **LIEPMANN** and it was determined that HealthPlus would be the best program, at this time, even with the price increases. The rate amount would be as follows: single (individual) contract - \$301.11; double - \$677.49; family \$812.99. The contract would be for one (1) year. The Municipal Employees Retirement System (MERS) Program has proposed to provide health insurance to the different entities with whom they provide pension programs but the final cost has not been determined. **LIEPMANN MOVED**, seconded by Fotenakes to renew the township’s contract with HealthPlus at the rates of: Single - \$301.11; Double - \$677.49; Family - \$812.99; with Benefit Plan Z2/R3.

ROLL CALL VOTE:

AYES: Liepmann, Morford, Reed, Flowers, Fotenakes, and Trogot

NAYS: 0 MOTION CARRIED.

ABSENT: Gardner

**2. Transfer of Community Development Block Grant (CDBG) Funds 02-23 to 02-22 – Both are Senior Citizen Funds.**

**LIEPMANN** stated there are two (2) Senior Citizen Funds in the Community Development Block Grant Funds (CDBG); *Improvement Project – 02-23* for \$5,068.00 and *Senior Center Equipment – 02-22*. The items which the Flushing Senior Center need to purchase are listed under Equipment 02-22. **LIEPMANN MOVED**, seconded by Fotenakes that the Township transfers the remaining balance in our Project 02-23 (Senior Center Improvements) of \$5,068.00 to Project 02-22 (Senior Center Equipment). MOTION CARRIED.

**3. L.A. Construction – Recommendation of Approval of a Tentative Preliminary Plat (Subdivision)**

**GARY NEITHAMMER (NEITHAMMER)** of Wilcox Associates of Saginaw, Michigan and **LARRY ADKINS (ADKINS)** of L.A. Construction of Flushing Michigan had been in attendance at the March 8, 2004 Planning Commission meeting.

**NEITHAMMER AND ADKINS** were in attendance at the Board of Trustees meeting to ask for consideration of a Tentative Preliminary Plat approval for the first twenty-four (24) lots in the Coldwater Valley Subdivision. It would be the Northwest part of the project of Sections 23 and 24 located off Coldwater Road.

## Discussion:

- Open space area would be a true dedicated open space area and would still be part of the lots (back part of the lots).
- Would like for the Board of Trustees to consider giving some fifteen (15) acres to the Township for a park. **LIEPMANN** stated the township has no method of maintaining the property.
- The Coldwater Valley Subdivision Association would maintain the open space.
- **ADKINS** stated that originally they had wanted the lot line to go through the center of the drain and then had a deed restriction for open space; Planning Commission did not approve.
- The Boman Drain extends through the center of the property which is ninety-nine (99) feet. There would be another fifty (50) feet on each side of the drain right-of-way.
- **TROTOGOT** stated the land was very wet.
- There would be sidewalks in front of each lot (not part of Township requirements) – **FOTENAKES** recommended applying for a government grant for the sidewalks – Flushing Township does not have the ability to maintain sidewalks.
- Starting with Phase II, the Genesee County Road Commission (Road Commission) wanted no less than a 200 foot radius on the straightways
- If a Tentative Preliminary Plat could be granted at this meeting, the project could be taken to the Department of Environmental Quality (DEQ), the Genesee County Road Commission (Road Commission), and the Genesee County Drain Office (Drain Office).
- Will try to get more curves in the entrance road after review from the DEQ regarding the flood plain
- Will work with C. Turner to have another access road from the proposed Coldwater Valley Subdivision to Coldwater Road by way of Johnson Road.
- Recently took out six (6) lots of the proposed subdivision
- **LIEPMANN** stated the Planning Commission needed to give their final approval on the proposed project before the Township Board of Trustees could give their approval
  1. **L.A. CONSTRUCTION** would come back to the Planning Commission with the Final Preliminary Plat after response has been received from the DEQ, Road Commission and the Drain Office.
- **FLOWERS** felt the Planning Commission had been under pressure at the March 8, 2004 Planning Commission meeting due to the short period of time to review the material for the proposed subdivision and give the approval without further information.
- **LIEPMANN** wanted to know if there could be some type of boulevard entrance from Coldwater Road.
- There is currently a ten (10) foot of fall in the land.

**LIEPMANN MOVED**, seconded by Fotenakes that the request from L.A. Construction for Coldwater Valley Subdivision as presented, be approved as a “Tentative Preliminary Plat” provided that the drawings and the Site Plan, as presented tonight, receive the approval of the Planning Commission at their March 23, 2004 meeting. **MOTION CARRIED.**

**COMMITTEE REPORTS:**1. **Flushing Senior Center**

**FLOWERS** stated that Carolyn Sanderson, Director of the Flushing Senior Center, would be retiring on April 30, 2004. The Flushing Township, Flushing Senior Center, the City of Flushing, and Clayton Township have been involved in meetings as to who will direct the Center after Sanderson retires.

## 2. Parks and Recreation Committee

LIEPMANN stated Nature Park Manager TOM ENRIGHT (ENRIGHT) had recently come up with a new-well designed brochure for the park showing a map and the list of the Park Regulations. ENRIGHT has also sent out the first newsletter for the Nature Park paid for by a grant from Waste Management.

## 3. Budget Amendments

LIEPMANN stated the Budget had to be amended by the Board of Trustees at this particular meeting due to the end of the fiscal year being March 31, 2004. Some of the amendments are:

<b><u>FROM:</u></b>	<b><u>TO:</u></b>
<b>1. EXPENSES:</b>	
<i>Township Board:</i>	
a. Contractual Services - \$1,000	\$6,500
<i>Supervisor:</i>	
a. Salary \$44,000	\$47,000
<i>Assessor:</i>	
a. Salary \$33,000	\$36,000
b. Computer Software/Equipment \$500	\$2,000
<i>Clerk:</i>	
a. Salary \$44,000	\$47,000
b. Training/Convention/Dues - \$1,200	\$2,000
<i>Clerical:</i>	
a. Health Insurance - \$12,000	\$15,000
<i>Treasurer:</i>	
a. Salary - \$44,000	\$47,000
b. Tax Roll Expense - \$7,000	\$10,000
<i>Township Hall:</i>	
a. Building Repairs/Maint - \$6,000	\$16,000
b. Computer Maintenance - \$1,000	\$2,000
<i>Public Service:</i>	
a. Cemetery - \$2,000	\$10,000
b. Lights at Large - \$30,000	\$40,000
c. Snow Plow Wages Expense – 0	\$500
<b>2. DENTAL FUND</b>	
<i>Revenues:</i>	
a. Transfers “IN” - \$10,000	\$14,000
<b>3. VISION FUND</b>	
<i>Expenditures:</i>	
a. Vision Expense-Contractual Serv-\$3,000	\$4,000
<b>4. PARK AND RECREATION FUND</b>	
<i>Expenditures:</i>	
a. Operating Supplies - \$3,500	\$4,000
b. Utilities - \$1,500	\$2,500
c. Park Maintenance Fees - \$500	\$2,500
d. Park Manager Wages - \$26,000	\$28,000
e. Insurance - \$500	\$16,000
<b>5. POLICE FUND</b>	
<i>Expenditures:</i>	
a. Officers Wages - \$525,000	\$560,000
b. General Insurance – 0	\$22,000
<b>6. BUILDING DEPARTMENT FUND</b>	
<i>Building Inspector:</i>	
a. Salary - \$46,000	\$48,000
b. Vehicle – 0	\$25,459

**LIEPMANN MOVED**, seconded by Flowers to approve the amendments to the budget as presented.

ROLL CALL VOTE:

AYES: Liepmann, Morford, Reed, Flowers, Fotenakes, and Trogotog

NAYS: 0 MOTION CARRIED.

ABSENT: Gardner

**REPORTS:**

- Building Inspector's Report** – Reviewed and Accepted.

**BUILDING PERMITS ISSUED:**

NEW HOMES	3
ACCESSORY BUILDINGS	0
DECKS	1
REMODELING	0
ADDITIONS	0
GARAGES	0
FENCE PERMITS	0
ROOF REPAIR	0
POOL	0
COMMERCIAL	0
SIGN	0
<b>TOTAL PERMITS ISSUED</b>	<b>4</b>
PERMIT VALUATION FOR FEBRUARY 2003	\$ 788,971
PERMIT VALUATION FOR FEBRUARY 2004	409,122
<b>PERMIT FEES COLLECTED FOR FEBRUARY 2004</b>	<b>\$ 2,048</b>
TRAILER INSPECTIONS (8)	400
TRASH AND RECYCLING CHARGES	0
SPECIAL USE PERMIT	0
HOME OCCUPATION PERMIT	0
EARTH REMOVAL PERMIT	0
VARIANCE REQUEST	0
REZONING REQUEST	0
CODE BOOKS	0
<b>FOR A TOTAL OF</b>	<b>\$ 2,448</b>
CONSTRUCTION TO DATE FEBRUARY 2003	1,174,811
CONSTRUCTION TO DATE FEBRUARY 2004	604,196
<b>FOR A DECREASE OF</b>	<b>\$ 570,615</b>

**7:40 P.M. - PUBLIC COMMENTS:**

- Victor Lake, 7200 N. Seymour Road, Flushing, Michigan** – “he is overrun with water problems and has raw sewage in his house; there is a four (4) foot fall on the other side of the road from his house and an open field which has tile connected to a culvert which has a bottleneck; wants to know why there can't be an open tube (catch basin) across the road and let the surface water

naturally go in that direction. Consumers Energy has broken some of the tiles and has not replaced them. LAKE would like to get the surface water removed.” TROTOGOT stated that he and Ron Lattimore, of the Genesee County Road Commission (Road Commission), had gone to LAKE’S house and had referred Road Commission engineers to review the problem at LAKE’S house and write a report as to what they observed and what could and could not be done. TROTOGOT thought there might have to be a larger swale located by LAKE’S house. FOTENAKES also recommended calling Consumers Energy to see if they would take care of the tile problem.

2. **William Minarik, 10168 W. Pierson Road, Flushing, Michigan** – “wanted to know if it was common practice for the Township to take a position for an individual land dispute that the individual didn’t own or pay taxes on to defend that individual with the taxpayers’ money.”

TROTOGOT felt the utility pole, on a private drive located off Pierson Road, was the reason that MINARIK had come to the last Board of Trustees Meeting. MINARIK stated the township ask him (Minarik) why he did not use the other half of the private drive to get back to his farm crop; MINARIK told the Board of Trustees that a utility pole was in the way. He (Minarik) did not want to be accused of using tax payers’ money for the removal of the pole because the pole was going to be removed anyway due to street lights being installed on Pierson Road; he (Minarik) just wanted a simple answer. LIEPMANN stated the matter depended upon the situation. If the Board of Trustees felt they needed advice from the township attorney, the township attorney was referred to. There would be no simple answer to MINARIK’S question. MINARIKS rented the land for farming. LIEPMANN stated an individual could not go on private land with equipment without permission. LINDA MINARIK (L. MINARIK) felt it was a civil matter between two (2) land owners. ATTORNEY STEVE MOULTON (ATTORNEY MOULTON) stated the man who owned the land granted an easement; ATTORNEY MOULTON was asked to give an opinion as to what the respective rights were with regards to the easements. ATTORNEY MOULTON gave the opinion; the next step would be to take the matter to Court. Per ATTORNEY MOULTON, The opinion has been given to every attorney representing every property owner involved in the private drive matter. ATTORNEY MOULTON stands on his opinion which is a very difficult and legal issue. Based on the two (2) easements for egress and ingress, the two (2) residences have the right to use the Western easement; MINARIKS have access to use the Eastern easement.

## **8:00 P.M. PUBLIC COMMENTS CLOSED**

### **BOARD COMMENTS:**

#### **1. Seminar for the Building Inspector**

TROTOGOT stated Flushing Township Building Inspector Jerry Fitch had requested to attend a *Seminar for Continuing Education Hours on Administration and Communication* on Thursday, March 25, 2004 at a cost of \$50 to be held at Flint Township Hall, Flint, Michigan. FOTENAKES MOVED, seconded by Flowers to allow Jerry Fitch to attend the seminar on Thursday, March 25, 2004 at a cost of \$50.

ROLL CALL VOTE:

AYES: Morford, Reed, Flowers, Fotenakes, Liepmann, and Trotogot

NAYS: 0 MOTION CARRIED.

ABSENT: Gardner

**THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, APRIL 8, 2004 AT 7:00 P.M.**

**ADJOURNMENT:** There being no further business matters, Supervisor Trogotot adjourned the meeting at 8:05 p.m.

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Julia A. Morford, Clerk

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Andrew Trogotot, Supervisor

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

03/11/04 Regular