

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

BOARD OF TRUSTEES MINUTES

DATE: JULY 14, 2016

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

WEB PAGE: <http://flushingtownship.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 7:00 p.m. by **SUPERVISOR RIAN BIRCHMEIER** with Roll Call and the Pledge of Allegiance to the American Flag.
- II. ROLL CALL:** Julia A. Morford, Maryion T. Lee, Shirley D. Gage, Scott Matzke, Bonnie Jean Martinson, Scott P. Minaudo, Rian Birchmeier and Attorney Steve Moulton
MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Fifteen (15) other individuals present

TRUSTEE MATZKE MOVED, supported by Treasurer Lee to approve the agenda as presented.

Trustee Martinson suggested moving Approval of Minutes and Payment of Bills to the end of New Business as Items I. and J. respectively.

TREASURER LEE MOVED, supported by Clerk Morford to have the Assessor's Report first under New Business.

ACTION ON THE MOTION

ROLL CALL VOTE:

MOTION CARRIED UNANIMOUSLY

TREASURER LEE MOVED, supported by Trustee Minaudo to go into a Closed Session to review the Chief's contract and the contract for the Police Officers according to Sub Section C of the Open Meetings Act and place it under Old Business, Item 2.

Supervisor Birchmeier asked that the motion be restated.

TREASURER LEE MOVED TO RESTATE THE MOTION, supported by Clerk Morford to go into Closed Session to review the Chief's contract and the Police Officers contract according to Sub Section C of the Open Meetings Act and to place it as Item 2 under Unfinished Business.

Supervisor Birchmeier asked for a support of the motion that had been supported by Clerk Morford. Trustee Minaudo stated his support for the motion also.

ACTION ON THE MOTION

ROLL CALL VOTE:

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

NAYS: Birchmeier

MOTION CARRIED

TRUSTEE MARTINSON MOVED, supported by Trustee Matzke to approve the agenda as amended with all the corrections.

ACTION ON THE MOTION

ROLL CALL VOTE:

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

NAYS: Birchmeier

MOTION CARRIED

III. PUBLIC COMMENTS

7:10 P.M. OPEN FOR PUBLIC COMMENTS

Three individuals gave comments.

7:26 P.M. CLOSED FOR PUBLIC COMMENTS

IV. UNFINISHED BUSINESS

1. Assessor's report on the results of program to incentivize productivity of field worker and a determination of need for hiring additional field workers – Treasurer Lee

Assessor Dennis Judson gave a brief report to the Board indicating the work should be completed by the end of November.

2. Motion to go into closed Session to review the Chief's contract and the Police Officers contract according to Sub Section C of the Open Meetings Act.

TREASURER LEE MOVED, supported by Trustee Minaudo to go into Closed Session to Review, for the purpose of discussion, the Chief's contract and pending negotiations of the Police Officers contract under Sub Section C of the Open Meetings Act.

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

ADJOURNED TO CLOSED SESSION AT 7:30 P.M.

TRUSTEE MINAUDO MOVED, supported by Trustee Matzke to return to regular session at 8:24 P.M.

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

RETURN TO REGULAR SESSION AT 8:24 P.M.

TRUSTEE MINAUDO MOVED, supported by Trustee Matzke to adopt Resolution No. 16-8 as stated below:

**CHARTER TOWNSHIP OF FLUSHING
GENESEE COUNTY, MICHIGAN
RESOLUTION NO. 16-8**

**A RESOLUTION TO APPROVE EMPLOYMENT AGREEMENT
EMPLOYING BRIAN FAIRCHILD AS POLICE CHIEF**

WHEREAS, the Flushing Township Board of Trustees having determined it would be in the best interests of the Township and the Township Police Department to continue the employment of Brian Fairchild as Police Chief; and

WHEREAS, the Board of Trustees and Police Chief Brian Fairchild having negotiated the terms of an Employment Agreement acceptable to the parties;

IT IS HEREBY RESOLVED:

The Charter Township of Flushing, as employer, is authorized and shall enter into an Employment Agreement, in the form attached to this Resolution, with Brian Fairchild, as employee, to serve as Township Police Chief. Maryion Lee, Treasurer and Superintendent, is authorized to sign the Employment Agreement on behalf of the Township.

IT IS HEREBY FURTHER RESOLVED that the Township shall pay to Brian Fairchild on or before June 30, 2016, \$14,194.20, the amount agreed due Brian Fairchild, under his existing Employment Agreement (the agreement initially effective May 1, 2013) for accrued and unused vacation, sick and personal time under the existing Employment Agreement, which payment shall be in full satisfaction of all accrued and unused vacation, sick and personal time due under the existing Employment Agreement.

IT IS HEREBY FURTHER RESOLVED that for purposes of MERS= administrative convenience, the Township, Police Chief Brian Fairchild and MERS may recognize the effective date of the Employment Agreement adopted by this Resolution as June 1, 2016.

YES: _____
NO: _____
ABSENT: _____

THIS RESOLUTION IS DECLARED _____ 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 the 14th day of July, 2016, at the Charter Township of Flushing Hall, 6524 N. Seymour Road, Flushing, MI 48433.

Maryion Lee
Flushing Township Treasurer and
Superintendent
Dated _____

Julia Morford
Flushing Township Clerk
Dated _____

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Minaudo, Matzke, Gage, Lee and Morford

NAYS: Birchmeier and Martinson

MOTION CARRIED

TRUSTEE MINAUDO MOVED, supported by Clerk Morford to approve a resolution amending the MERS benefit plan to reflect Chief Brian Fairchild’s 2016-18 contract, the contract that was just ratified by the prior resolution, for Division 20-Command Employee Contribution to 4% retroactive to and effective 6/1/16, 6% effective 6/1/17 and 8% effective 6/1/18.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Minaudo, Matzke, Gage, Lee and Morford

NAYS: Martinson and Birchmeier

MOTION CARRIED

V. NEW BUSINESS

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

- A. Motion to approve the Resolution to amend the MERS benefit Plan for Division 20-Command Employee Contribution – Attorney Moulton/Treasurer Lee

Action on Item A was taken in the above motion upon return from Closed Session.

- B. Motion to approve the Fiscal Quarterly Budget for March and June 2016 – Treasurer Lee

TREASURER LEE MOVED, supported by Trustee Gage to approve the Fiscal Quarterly Budget for March, 2016.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Gage, Lee and Morford

NAYS: Martinson, Birchmeier and Minaudo

MOTION CARRIED

TREASURER LEE MOVED, supported by Trustee Gage to approve the Fiscal Quarterly Budget for June, 2016.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Matzke and Morford

NAYS: Martinson, Minaudo and Birchmeier

MOTION CARRIED

- C. Motion to approve the Flushing Township Road Improvement Plan for the years of 2016-2019 as presented – Treasurer Lee

TREASURER LEE MOVED, supported by Trustee Matzke to approve the Flushing Township Road Improvement Plan for the years of 2016-2019 as presented.

ACTION ON THE MOTION

ROLL CALL VOTE:

MOTION CARRIED UNANIMOUSLY

- D. Motion to approve the request from the Genesee County Water and Waste Department to increase their portion of the service rate by 44 cents per 100 cubic feet to a total of \$6.00 per 100 cubic feet for the Township. This rate increase will be effective with the October billing cycle and will reflect July, 2016. The Township's portion of the service rate will remain the same as it has been for the past 8 years – Treasurer Lee

Treasurer Lee corrected some wording in the above item as stated in the motion below:

TREASURER LEE MOVED, supported by Trustee Minaudo to approve the request from the Genesee County Water and Waste Department to increase the service rate by 44 cents per 100 cubic feet to a total cost of \$6.00 per 100 cubic feet for the Township. This rate increase will be effective with the October billing cycle and will reflect July, 2016 consumption. The County's portion of the service rate will remain the same and the township's portion of the service rate will remain the same as it has been for the past 8 years.

ACTION ON THE MOTION

ROLL CALL VOTE:

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

NAYS: Birchmeier

MOTION CARRIED

- E. Motion to approve the METRO ACT Right of Way Permit Extension as presented – Clerk Morford

CLERK MORFORD MOVED, supported by Trustee Martinson to approve the METRO ACT Right of Way Permit Extension as presented.

ACTION ON THE MOTION

ROLL CALL VOTE:

MOTION CARRIED UNANIMOUSLY

- F. Motion to approve the First Reading of an Ordinance Amending Yard Maintenance/Noxious Weed Ordinance – Attorney Moulton

TREASURER LEE MOVED, supported by Trustee Minaudo to approve the First Reading of an Ordinance Amending Yard Maintenance/Noxious Weed Ordinance, Sections 19-36 through 19-43 of the Code of Ordinances as stated below:

PUBLIC NOTICE
CHARTER TOWNSHIP OF FLUSHING
GENESEE COUNTY, MICHIGAN
ORDINANCE NO.

AN ORDINANCE TO AMEND AND RESTATE THE “NOXIOUS WEED” ORDINANCE, SECTIONS 19-36 THROUGH 19-43 OF THE CODE OF ORDINANCES; TO REQUIRE PROPERTY OWNERS AND OCCUPANTS TO CONTROL NOXIOUS WEEDS AND OTHER VEGETATION; TO AUTHORIZE THE TOWNSHIP TO CONTROL NOXIOUS WEEDS AND OTHER VEGETATION; TO CHARGE THE COSTS TO THE OWNER OR OCCUPANT; AND, TO ASSESS THE COSTS TO BE COLLECTED WITH THE AD VALOREM PROPERTY TAXES

THE CHARTER TOWNSHIP OF FLUSHING ORDAINS:

Sections 19-36 through 19-43 of the Code of Ordinances are amended by deletion of the existing language, which is replaced in its entirety, as follows:

19-36. Definitions. The following words, terms and phrases shall have the meanings stated below, except where the context clearly indicates a different meaning and, unless otherwise indicated, reference to “Ordinance” means Sections 19-36 through 19-43 of the Code of Ordinances:

“Noxious Weeds” Noxious weeds means the species of plants identified in MCL 247.62 and any other species of vegetation determined by the Township as constituting a common nuisance.

“Season” Season means, in each calendar year, March 1 through September 30.

“Uncontrolled Vegetation” means:

(i) any growth whether naturally occurring or intentionally planted which restricts or interferes with the view of any motorist of oncoming motor vehicle or pedestrian traffic in either direction at an intersecting public street or road when the motorist is within 50 feet of the edge of the main traveled portion of intersecting road or street;

(ii) any growth whether naturally occurring or intentionally planted growing in or in proximity to any ditch, drain, culvert or other drainage feature, which impedes drainage or impairs the maintenance of the ditch, drain culvert or other drainage feature.

(iii) any growth of noxious weeds or grasses or a combination thereof whether naturally occurring or intentionally planted in any front, side or rear yard of any residential property which exceeds a height of 10 inches or more, if such growth occurs within 150 feet from nearest edge of the road right-of-way on which the property fronts.

(iv) the accumulation of brush, dead weeds, grass or vegetation, except in the rear yard, to be composted or otherwise properly disposed of.

19-37. Responsibility of Owner and Occupant. No person owning any lands or premises, whether occupied or unoccupied, nor any person occupying any lands or premises, shall permit or maintain on any such lands or premises, any growth of noxious weeds, nor shall the owner or occupant maintain or allow any uncontrolled vegetation on the lands or premises. It shall be the duty of the owner or occupant of all lands and premises along any public street or road or improved street in common usage to cut and remove all noxious weeds and uncontrolled vegetation no later than May 1 of each year and thereafter as may be necessary.

19-38. Notice Requirements.

(i) In the month of March, each year, the Township clerk shall publish a notice in a newspaper of general circulation in the township stating that noxious weeds, weeds and uncontrolled vegetation which are not cut by May 1, may be cut by the Township and the costs charged to the

occupant and/or owner and, if not paid, the costs shall be collected and enforced in the same manner as a property tax lien.

(ii) In the event the Code Enforcement Officer or other authorized representative of the Township determines a property is in violation of this Ordinance, notice of the violation shall be sent to the owner of the property, as identified in the Township's tax records. The notice shall be sent by first-class mail setting forth the violation, requiring the owner or occupant to correct the violation within 10 days of the date of the notice, stating if the violation is not corrected within 10 days, the Township may correct the violation and assess costs as provided in this Ordinance. The notice shall state the date of the notice, the property address, the name of the owner as identified from Township tax records, the specific violation and what must be done to correct the violation. Noxious weeds shall be destroyed or removed; uncontrolled vegetation shall be mowed to a height not exceeding 4 inches; and, other uncontrolled vegetation shall be trimmed or removed so as not to interfere with vision at intersecting roads or with the proper drainage or maintenance of ditches, drain culverts or other drainage features.

(iii) It shall not be necessary to send more than one notice, per property, per season; the Township may address subsequent violations of this Ordinance, involving the same property, without providing additional notice.

(iv) Any occupant or property owner who disagrees with the determination of the Code Enforcement Officer and wishes to challenge the asserted violation of this Ordinance must come to the township office and speak with the Code Enforcement Officer within 10 days of the date of the notice of violation.

19-39. If any person fails to comply with a notice of violation, the Township may cause the noxious weeds or uncontrolled vegetation to be mowed or otherwise removed or destroyed. Independent contractors at the direction of the Code Enforcement Officer or Township employees shall have full authority to enter onto the property for purposes of mowing, destroying or otherwise removing noxious weeds and uncontrolled vegetation. If necessary to protect equipment or to enable uniform cutting, rocks, debris and other objects may be moved on the property or removed altogether. The Township may remove and dispose of any mowed grass or weeds, branches or brush and the cost of such disposal shall be included in the total costs charged to the occupant and/or owner.

19-40. Costs. The Township shall keep an account of all expenses incurred with respect to each property entered upon in order to carry out the provisions of this Ordinance. If the work is performed by an independent contractor, Township shall require a written statement of account or invoice for each property. If the work is performed by Township employees, the cost shall be calculated based on the employee time spent, calculated at the employee's hourly rate together with fringe benefits together with a reasonable rate for equipment usage and supplies.

19-41. Collection of Costs. The cost as set forth in section 19-40 shall be invoiced to the occupant and property owner within five days of receipt of the invoice from the independent contractor or within five days of completion of the work if performed by Township employees. Any invoices attributable to a property throughout a season, which are not paid by September 30,

shall be turned over to the Township assessor by October 15, to be included as part of the winter ad valorem property tax bill for that year.

19-42. Unless otherwise indicated by resolution of the Board of Trustees, authority to enforce this Ordinance shall rest with the Township=s Code Enforcement Officer or the Township=s Police Department. Violation of this ordinance shall be a municipal civil infraction, subject to a civil fine not to exceed \$100.

19-43. This ordinance shall be immediately effective upon publication.

Adopted the ____ day of _____, 2016, by vote of the Charter Township of Flushing Board of Trustees.

Maryion T. Lee, Acting Superintendent

Julia A. Morford, Township Clerk

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

- G. Motion to approve the Planning Commission/Zoning Board of Appeals/Board Members be allowed to attend the “*Hot Topics in Planning and Zoning*” on August 10, 2016 in Frankenmuth, MI – Clerk Morford

TREASURER LEE MOVED, supported by Trustee Matzke to approve the Planning Commission/Zoning Board of Appeals/Board Members be allowed to attend the “*Hot Topics in Planning and Zoning*” on August 10, 2016 in Frankenmuth, MI.

TRUSTEE MARTINSON MOVED TO AMEND THE MOTION, supported by Trustee Minaudo to approve the Planning Commission/Zoning Board of Appeals be allowed to attend the “*Hot Topics in Planning and Zoning*” on August 10, 2016 in Frankenmuth, MI., eliminating the Board Members from attending.

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

ACTION ON THE ORIGINAL MOTION

ROLL CALL VOTE:

AYES: Lee, Gage, Matzke, Minaudo and Morford

NAYS: Martinson and Birchmeier

MOTION CARRIED

- H. Motion to approve any Board Member be allowed to attend the “*MTA On the Road – 2016 Regional Meetings*” on September 27, 2016 in Frankenmuth, MI – Clerk Morford

CLERK MORFORD MOVED, supported by Treasurer Lee to approve any Board Member be allowed to attend the “*MTA On the Road – 2016 Regional Meetings*” on September 27, 2016 in Frankenmuth, MI.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Gage, Lee and Morford

NAYS: Birchmeier, Minaudo and Martinson

MOTION CARRIED

- I. Approval of Minutes of June 9, 2016 Board Meeting

Trustee Martinson made a correction on page 4 second motion by Treasurer Lee: Treasurer Lee Moved, supported by Trustee Gage to grant the Building and Grounds Committee and the Assessor the authority to experiment with payment flexibility to incentivize productivity by field workers doing reassessment visits. This ~~final~~ flexible payment will not be any more than \$12 per parcel and there will be a report by the Assessor at the next meeting as to the success of this program to ~~determine~~ *or the* need for additional funding.

TRUSTEE MARTINSON MOVED, supported by Supervisor Birchmeier to approve the minutes of the June 9, 2016 Board Meeting with corrections.

ACTION ON THE MOTION

ROLL CALL VOTE:

MOTION CARRIED UNANIMOUSLY

- J. Payment of Bills

TREASURER LEE MOVED the vote be taken on Payment of Bills, no support.

ACTION ON THE MOTION

ROLL CALL VOTE:

MOTION CARRIED UNANIMOUSLY

VI. REPORTS:

1. Supervisor's Report – No report given
2. Flushing Township Police Department – Chief Fairchild
3. Flushing Fire Department – No report given
4. Flushing Township Financial Report for May 2016 and June 2016 – Treasurer Lee
5. Flushing Area Senior Center – Clerk Morford
6. Superintendent's Report – Superintendent/Treasurer Lee

VII. COMMITTEE REPORTS: No Reports

VIII. PUBLIC COMMENTS:

NO COMMENTS GIVEN

IX. BOARD COMMENTS:

Comments were heard from Trustee Martinson, Trustee Gage, Trustee Minaudo, Treasurer Lee and Clerk Morford.

X. NEXT REGULAR MEETING: THURSDAY, AUGUST 11, 2016 at 7:00 P.M.

XI. ADJOURNMENT: Meeting adjourned at 9:42 P.M.

JOYCE A. WILSON, Deputy Clerk

RIAN R. BIRCHMEIER, Supervisor

APPROVED DATE _____

07/14/2016 Regular Min