

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

**DATE: NOVEMBER 12, 2020
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:

Jenifer Almassy
Linda Minarik
William L. Westenbarger
Sharilynn K. Willette

TOWNSHIP ATTORNEY:

STEVEN W. MOULTON PLLC
6258 W. Pierson Road
Flushing MI 48433
810-407-7658

THIS WAS A ZOOM MEETING

- I. **MEETING CALLED TO ORDER** at 7:10 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, Terry Peck, Wendy Meinburg, William Westenbarger, Sharilynn Willette and Jenifer Almassy. Attorney Steven Moulton was also present.

MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Three (3)

APPROVAL OF AGENDA FOR NOVEMBER 12, 2020:

TREASURER PECK MOVED, supported by Clerk Meinburg to approve and amend the agenda by adding under New Business, No. 4 Purchase of an air cleaner from Goyette Mechanical.

THE MOTION CARRIED UNANIMOUSLY

APPROVAL OF DRAFT MINUTES OF THE BOARD MEETING OF OCTOBER 8, 2020.

CLERK MEINBURG MOVED, supported by Treasurer Peck to approve the Minutes of the October 8, 2020 Board Meeting.

THE MOTION CARRIED UNANIMOUSLY.

APPROVAL OF PAYMENT OF BILLS

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

THE MOTION CARRIED UNANIMOUSLY.

III. PUBLIC COMMENTS:

OPEN FOR PUBLIC COMMENTS: 7:05 P.M.
CLOSED FOR PUBLIC COMMENTS: 7:06 P.M.

IV. UNFINISHED BUSINESS:

- 1. Second reading of Ordinance No. 2020-04 to repeal Chapter 6 of the code of ordinances: to amend the Zoning Ordinance to regulate fences - Supervisor Thorsby

TRUSTEE ALMASSY MOVED, supported by Trustee Willette to approve the second reading of Ordinance No. 2020-04 to amend the Zoning Ordinance to regulate fences. (The ordinance is listed below in its entirety.)

CHARTER TOWNSHIP OF FLUSHING
GENESEE COUNTY, MICHIGAN
ORDINANCE NO. 2020-04

AN ORDINANCE TO REPEAL CHAPTER 6 OF THE CODE OF ORDINANCES; TO AMEND THE ZONING ORDINANCE TO REGULATE FENCES; TO REQUIRE A PERMIT FOR THE INSTALLATION OF A FENCE; TO LIMIT THE PLACEMENT AND MAXIMUM HEIGHT OF FENCES; TO SET FORTH CERTAIN EXEMPTIONS; AND, TO PROVIDE FOR CONSIDERATION OF A SPECIAL USE PERMIT BY THE PLANNING COMMISSION.

THE TOWNSHIP OF FLUSHING ORDAINS:

- 1. Chapter 6 of the Code of Ordinances, comprising Sections 6-1 - 6-10 is repealed as of the effective date of the amendment to the Charter Township of Flushing Zoning Ordinance stated herein.
- 2. The Zoning Ordinance for the Charter Township of Flushing is amended by adding the following sections:

Section 20-408

A fence is defined, as any partition, structure, gate or obstacle, erected as a dividing marker, barrier or enclosure.

A fence shall not include an enclosure constructed of chicken wire or similar material not exceeding 3 feet in height, installed in a side or backyard of a residential property for the purpose of enclosing vegetation or domestic animals.

(1) Permit required. No fence shall be erected or altered within the township without obtaining a permit from the township building inspector.

(2) Permit fee. A fee in an amount determined by the Township Board from time to time shall be paid for each permit issued pursuant to Section 20-408.

(3) Establishment of lot lines. The building inspector may require the owner of the property upon which a fence is located or is to be located, to establish lot lines upon such property through placement of permanent markers located by a licensed surveyor. Such lot line shall be established within fifteen (15) days after receiving notice.

(4) Prohibited in public right-of-way. No fence shall be erected or maintained within the limits of any public road right-of-way in the township.

(5) Height Restriction. Fences on a lot of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater. No fence other than an ornamental fence shall be located in the front yard.

(6) Vacant Lot. Any fence intended to be installed on a vacant lot shall require a special use permit in accordance with the procedure stated in Section 20-1800.

(7) Prohibited Fences. No fence shall contain barbed wire, razor wire, glass shards or other materials designed to cause injury, electric current or be designed to transmit an electric charge.

(8) Fences To Public Property. Fences which enclose property owned by a municipality, school or other public agency or which is customarily open to and used by the public, such as parks and playgrounds, situated within an area developed as a residential district, and which are adjacent or within 100 feet of intersecting to public roads, shall require a special use permit to assure the placement, height and construction of the fence will not impair the visibility of the intersection by operators of motor vehicles, bicycles or pedestrians.

(9) Agricultural Fences. Installation of a fence intended primarily for agricultural purposes to a property located in a residential district, shall require a special use permit. The Planning Commission shall have the authority under appropriate circumstances, to waive the height restrictions contained in Section 20-408 (5) and the prohibitions contained in 20-408 (7), to balance the reasonable agricultural needs of the property owner with public safety and concerns of the concerns adjoining property owners.

(10) Maintenance. Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of maintenance or type of construction or otherwise imperils life or property, shall be deemed a nuisance. The building inspector shall notify the owner of the property on which the fence is

located of the existence of such nuisance and the nuisance shall be abated within 10 days of the date notice is provided to the property owner.

(11) Special Use Permits.

(a) Zoning Administrator Denial. Where the zoning administrator denies an application for a fence permit, the property owner may request the Planning Commission issue the permit. The request shall be made by written application submitted to the Township clerk within 30 days of the date of the zoning administrator denial. The application shall include a copy of the application to the zoning administrator and a copy of the zoning administrator's denial. The property owner and zoning administrator may submit additional information relevant to the grant or denial of the permit. In making its decision, the Planning Commission shall take into consideration any unique features of the property, the proposed fence, the stated concerns of any property owners within 300 feet of the proposed fence, as well as the opinions expressed by the public at large. The Planning Commission's decision shall be based on an objective consideration of the information presented, balancing the benefit to the property of the intended fence against the requirements of the ordinance and the legitimate concerns of the public.

(b) Vacant Land. A request to install a fence to vacant land shall be submitted by application for special use permit to the Planning Commission.

(c) Agricultural Fence. A request to install a fence for agricultural purposes in a residential district shall be submitted by application for special use permit to the Planning Commission.

ACTION ON THE MOTION

ROLL CALL VOTE:

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

NAYS: None

THE MOTION CARRIED UNANIMOUSLY

V: NEW BUSINESS:

1. Motion to reconfirm the MERS Defined Benefit Plan for reporting purposes pertaining to all Flushing Township MERS Employees - Supervisor Thorsby

TREASURER PECK MOVED, supported by Clerk Meinburg to reconfirm the MERS Defined Benefit Plan for reporting purposes pertaining to all Flushing Township MERS Employees.

THE MOTION CARRIED UNANIMOUSLY

2. Motion to approve a text amendment to the Zoning Ordinance to amend Section 20-1804(A) of the Zoning Ordinance of the Charter Township of Flushing, to limit the construction or placement of one (1) principal structure/dwelling to each lot - Supervisor Thorsby

Supervisor Thorsby stated this item was for informational purposes for the Board informing them the Planning Commission would be reviewing this proposed text amendment at their next meeting.

- 3. Motion to approve the Meadowbrook Park Special Assessment Agreement with the Genesee County Road Commission - Supervisor Thorsby

TRUSTEE ALMASSY MOVED, supported by Trustee Westenbarger to approve the Meadowbrook Park Special Assessment Agreement with the Genesee County Road Commission.

ACTION ON THE MOTION

ROLL CALL VOTE:

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

NAYS: None

THE MOTION CARRIED UNANIMOUSLY

- 4. Purchase of an air cleaner from Goyette Mechanical - Supervisor Thorsby

After lengthy discussion, the following motion was made:

TREASURER PECK MOVED, supported by Trustee Westenbarger to approve the purchase of an air cleaner from Goyette Mechanical.

ACTION ON THE MOTION

ROLL CALL VOTE:

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

NAYS: None

THE MOTION CARRIED UNANIMOUSLY

VI. REPORTS:

- I. Supervisor's Report and Monthly Building Report - Given by Supervisor Thorsby
- 2. Clerk's Report- Clerk Meinburg gave an update on the November 3, 2020 election stating the absentee counting board had an issue that was caught early and corrected after contacting the Genesee County Clerk's Office but results are not certified as of yet. Trustee Almassy questioned the results that were posted on the county web site.
- 3. Treasurer's Report-Treasurer Peck reviewed two months of Treasurer's Reports
- 4. Police Department Report - Given by Chief Bolin
- 5. Fire Report- Given by Supervisor Thorsby

VII. PUBLIC COMMENTS

OPEN FOR PUBLIC COMMENTS: 8:02 P.M.

One individual gave comments pertaining to the November 3rd election

CLOSED FOR PUBLIC COMMENTS: 8:05 P.M.

VIII. BOARD COMMENTS

The Board complimented Clerk Meinburg on running a successful election. Trustee Almassy reported from the Genesee County Metropolitan Planning Commission meeting which was held virtually. Treasurer Peck reported on the County Allocation Fund. Trustee Willette reported the Flushing Senior Center was still looking for about \$7,000 to put towards the purchase of their new van.

IX. NEXT REGULAR MEETING: December 10, 2020

X. ADJOURNMENT:

TRUSTEE WESTENBARGER MOVED, supported by Trustee Minarik to adjourn the meeting at 8:15 P.M.

THE MOTION CARRIED UNANIMOUSLY.

WENDY D. MEINBURG, Clerk

FREDERICK R. THORSBY, Supervisor

APPROVED

DATE _____

RECORDING SECRETARY: Joyce A. Wilson, Deputy Clerk
11/12/2020