

CHARTER TOWNSHIP OF FLUSHING

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

DATE: DECEMBER 13, 2018

TIME: 7:00 P.M.

PHONE: 810-659-0800

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

- I. MEETING CALLED TO ORDER** at 7:00 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, Jenifer Almassy, Wendy Meinburg, William Westenbarger, Sharilynn Willette and, Terry Peck. Attorney Steven Moulton was also present.

MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Ten (10)

APPROVAL OF AGENDA FOR DECEMBER 13, 2018:

TREASURER PECK MOVED, supported by Clerk Meinburg to approve the agenda as submitted for December 13, 2018.

THE MOTION CARRIED UNANIMOUSLY.

APPROVAL OF DRAFT MINUTES OF REGULAR BOARD MEETING OF NOVEMBER 15, 2018 MEETING.

TRUSTEE ALMASSY MOVED, supported by Treasurer Peck to approve the minutes of November 15, 2018 Board Meeting.

THE MOTION CARRIED UNANIMOUSLY.

APPROVAL OF DRAFT MINUTES OF SPECIAL BOARD MEETING OF NOVEMBER 21, 2018 MEETING.

CLERK MEINBURG MOVED, supported by Treasurer Peck to approve the minutes of the November 21, 2018 Special Board Meeting.

THE MOTION CARRIED UNANIMOUSLY.

APPROVAL OF PAYMENT OF BILLS:

TREASURER PECK MOVED, supported by Clerk Meinburg to approve the payment of bills.

THE MOTION CARRIED UNANIMOUSLY.

III. PUBLIC COMMENTS:

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

One individual gave comments

CLOSED FOR PUBLIC COMMENTS: 7:07 P.M.

IV. OLD BUSINESS:

1. Second Reading of Criminal Code No. 18-03

CLERK MEINBURG MOVED, supported by Trustee Almassy to approve the second reading of Criminal Code No. 18-03.

ACTION ON THE MOTION:

ROLL CALL VOTE

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

NAYS: None

THE MOTION CARRIED UNANIMOUSLY

2. Second Reading of Ordinance No. 18-04 Regulating Land Division

TREASURER PECK MOVED, supported by Trustee Willette to approve the second reading of Ordinance No. 18-04 Regulating Land Division as stated below:

CHARTER TOWNSHIP OF FLUSHING
GENESEE COUNTY, MICHIGAN
ORDINANCE NO. 2018-04

AN ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF

PARCELS OR TRACTS OF LAND, ENACTED PURSUANT TO THE
LAND DIVISION ACT, MCL 560.101, ET SEQ.; TO PROVIDE
PROCEDURES THEREFORE; TO REPEAL ANY ORDINANCE
OR PROVISION IN CONFLICT; AND, TO PRESCRIBE
PENALTIES AND ENFORCEMENT REMEDIES FOR VIOLATION.

THE CHARTER TOWNSHIP OF FLUSHING ORDAINS:

Section I-Title

This ordinance shall be known and cited as the Township Land Division Ordinance.

Section II-Purpose

The purpose of this ordinance is to carry out the provisions of the Land Division Act, MCL 560.101, et seq., (the Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and the Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

Section III-Definitions

For purposes of this ordinance, certain terms and words used herein shall have the following meanings:

A. "Applicant" means a natural person, firm, association, partnership, corporation or combination of any of them that holds an ownership interest in land, whether recorded or not.

B. "Divide" or "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor or the proprietor's representatives, successors or assigns for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Act or the requirements of other applicable ordinances.

C. "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor that does not result in one or more parcels of less than 40 acres or the equivalent.

D. "Forty acres or the equivalent" means 40 acres, or 1/4-1/4 (quarter-quarter) section containing not less than 30 acres, or a Government Lot containing not less than 30 acres.

Section IV-Prior Approval Requirement for Land Divisions

Land in the Township shall not be divided without the prior review and approval of the Township Assessor, or other official designated by the Township Board, in accordance with this Ordinance and the Act.

Section V-Application for Land Approval

An applicant shall file all of the following with the Township Assessor or other official designated by the Township Board for review and approval of the proposed land division before making any division by deed, land contract, lease for more than one year, or for building development:

- A. A completed application on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. A fee in an amount to be established by the Township Board from time to time, to cover the cost of review of the application and administration of this Ordinance and the Act.

Section VI-Procedure for Review of Applications for Land Division Approval

- A. The Township shall approve or disapprove of the land division application within 45 days of receipt of a completed application conforming to this Ordinance's requirements and the Act, and shall promptly notify the applicant of the decision and, if denied, the reasons for the denial.
- B. Any person or entity aggrieved by the decision of the Assessor or designee may, within 30 days of the decision, appeal the decision to the Township Zoning Board of Appeals which shall consider and resolve the appeal.
- C. The Assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of the division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction of the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

Section VII-Standards for Approval of Land Divisions

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

- A. All parcels created by the proposed division(s) shall meet the minimum width, frontage and area requirements of the appropriate Zoning District, unless otherwise provided for by Township Ordinance.
- B. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel created by

a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

C The proposed land division(s) comply with all requirements of this Ordinance and the Act.

D. All parcels created and remaining have existing adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles.

Section VIII-Consequences of Noncompliance with Land Division Approval Requirements

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll until the assessing officer refers the suspected violation or nonconformity to the prosecuting attorney and gives written notice to the person requesting the division and the person suspected of the violation or potential non-conformity of such referral to the prosecuting attorney. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement.

In addition, any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed responsible for a civil infraction which shall be punishable by civil fine of not more than \$500 along with costs which may include all expenses, direct and indirect, incurred by the Township in connection with the civil infraction, including reasonable legal fees. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law.

Pursuant to Section 267 of the Act, MCL 560.267, an unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

Section IX-Severability

The provisions of this Ordinance are severable and if any part is determined void or unenforceable for any reason by a court with jurisdiction, such determination shall not affect any other part of the Ordinance.

Section X-Appeal

Any previous ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision of any applicable Zoning Ordinance, Building Codes or other ordinances of the Township that shall remain in full force and effect notwithstanding any land division approval hereunder.

Section XI-Effective Date

This Ordinance shall take effect upon publication following adoption.

PASSED AND APPROVED BY THE CHARTER TOWNSHIP OF FLUSHING BOARD ON THE _____ DAY OF _____, 2018.

Frederick Thorsby, Supervisor

Attest:

Wendy Meinburg, Township Clerk

First reading:_____

Adopted:_____

ACTION ON THE MOTION:

ROLL CALL VOTE

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

NAYS: None

THE MOTION CARRIED UNANIMOUSLY

V: NEW BUSINESS

- 1. Motion to approve the 2019 Flushing Township Meeting Dates - Supervisor

TREASURER PECK MOVED, supported by Sharilynn Willette to approve the 2019 Flushing Township Meeting Dates with the March and April meeting dates being changed to March 21, 2019 and April 18, 2019.

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2019 MEETING DATES

BOARD OF TRUSTEES

2nd Thursday of the Month - 7:00 p.m.

January 10, 2019	July 11, 2019
February 14, 2019	August 8, 2019
March 21, 2019	September 12, 2019
April 18, 2019	October 10, 2019
May 9, 2019	November 14, 2019
June 13, 2019	December 12, 2019

ZONING BOARD OF APPEALS

1ST Tuesday – Each Quarter - 7:30 P.M.

January 8, 2019 -- May 7, 2019 -- September 3, 2019 -- January 7, 2020

PLANNING COMMISSION

2nd Monday of the Month - 7:00 P.M.

January 14, 2019 July 8, 2019

February 11, 2019
March 11, 2019
April 8, 2019
May 13, 2019
June 10, 2019

August 12, 2019
September 9, 2019
October 15, 2019*
November 12, 2019*
December 9, 2019

*Meeting date changed because of Columbus Day and Veterans Day

PARKS AND RECREATION COMMITTEE

3rd Wednesday of the Month – 5:00 p.m.

Flushing Township Nature Park (weather permitting) or at the Flushing Township Hall.

BOARD OF REVIEW

MEETING DATES AND TIME ARE SET BY THE ASSESSOR

WATER AND SEWER COMMITTEE

WILL MEET AS NEEDED, ONE HALF HOUR PRIOR TO THE REGULAR BOARD MEETING

WENDY D. MEINBURG, Clerk

Meeting Dates Approved _____

master/meetingdates 2019

THE MOTION CARRIED UNANIMOUSLY

2. Motion to approve the resolution of Federal Poverty Guidelines used in the Determination of Poverty Exemptions for 2019 – Supervisor

CLERK MEINBURG MOVED, supported by Trustee Willette to approve the resolution of Federal Poverty Guidelines used in the Determination of Poverty Exemptions for 2019.

THE MOTION CARRIED UNANIMOUSLY

3. Motion to approve reappointments to Planning Commission, Zoning Board of Appeals, Board of Review and Compensation Committee – Supervisor

TREASURER PECK MOVED, supported by Trustee Willette to approve reappointments to Planning Commission with a correction to William Mills’ name from Mays to Mills, Zoning Board of Appeals, Board of Review and Compensation Committee.

Zoning Board of Appeals: Mark Newman term ending 1/1/2022, Richard Vaughn term ending 1/1/2022, Timothy Lloyd term ending 1/1/2022

Planning Commission: Mark Newman ending 1/1/2021, William Mills ending 1/1/2022 Ronald Voigt ending 1/1/2021, Christopher Czyzio ending 1/1/2022

Board of Review: Jack May ending 1/1/2021, William Mills ending 1/1/2021, Lyle (Rusty) Eavy ending 1/1/2021

Compensation Committee: Don Liske ending 1/1/2023

ACTION ON THE MOTION:

ROLL CALL VOTE

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

NAYS: None

THE MOTION CARRIED UNANIMOUSLY

4. Motion to approve appointments to Planning Commission and Compensation Commission – Supervisor

TRUSTEE WILLETTE MOVED, supported by Trustee Westenbarger to approve the appointments to Planning Commission and Compensation Commission.

Planning Commission: Ronald Voigt ending 1/1/2021 and Christopher Czyzio ending 1/1/2022

Compensation Commission: Dane Carnell ending 1/1/2020, Melissa Stemple ending 1/1/22, Jean Flader ending 1/1/2023

THE MOTION CARRIED UNANIMOUSLY

5. Motion to approve clean up of dead trees and debris east of township hall – Trustee Westenbarger

TRUSTEE WESTENBARGER MOVED, supported by Treasurer Peck to approve clean up of dead trees and debris east of township hall.

There was discussion regarding the affect on the neighboring properties, including or not including the ditch area in the clean up, exactly what type of trees would be cut and would underbrush be removed, etc. It was also suggested that the Board could walk the property to get a better idea of what would be done.

TRUSTEE ALMASSY MOVED, supported by Clerk Meinburg to amend the motion stating take care of the dead trees on the ground and dead trees that are caught up in other trees not to cut the underbrush and trim up trees.

ACTION ON THE AMENDED MOTION:

AYES: Almassy, Meinburg, Willette and Thorsby

NAYS: Peck, Minarik and Westenbarger.

THE MOTION CARRIED

TRUSTEE ALMASSY MOVED, supported by Supervisor Thorsby to award the bid to JB's Tree & Yard.

ACTION ON THE MOTION:

ROLL CALL VOTE

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

NAYS: None

THE MOTION CARRIED UNANIMOUSLY

6. First Reading of an Ordinance No. 18-05 Prohibition of Recreational Marihuana Establishments - Supervisor

TRUSTEE WESTENBARGER MOVED, supported by Trustee Willette to approve the first reading of an Ordinance No. 18-05 Prohibition of Recreational Marihuana Establishments within Flushing Township.

ACTION ON THE MOTION:

ROLL CALL VOTE

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

NAYS: None

THE MOTION CARRIED UNANIMOUSLY

7. Motion to approve the purchase of a Utility Police Interceptor Vehicle – Supervisor

TRUSTEE ALMASSY MOVED, supported by Clerk Meinburg to table this item.

THE MOTION CARRIED UNANIMOUSLY

8. Closed session for the purpose of discussion of tentative Township Employee Union Contract - Supervisor

TRUSTEE ALMASSY MOVED, supported by Trustee Minarik to go into Closed Session to discuss the Township Employee Union Contract.

THE MOTION CARRIED UNANIMOUSLY

ENTERED INTO CLOSED SESSION AT 8:15 P.M.

RETURNED FROM CLOSED SESSION AT 9:14 P.M.

ROLL CALL AND ALL MEMBERS PRESENT

9. Motion to approve the Township Employee Union Contract – Supervisor

TREASURER PECK MOVED, supported by Trustee Almassy to approve the Township Employee Union Contract – Supervisor

ACTION ON THE MOTION:

ROLL CALL VOTE

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

NAYS: None

THE MOTION CARRIED UNANIMOUSLY

VI. REPORTS:

1. Supervisor's Report –Given by Supervisor Thorsby
2. Clerk's Report – No Report
3. Treasurer's Report – Given by Treasurer Peck
4. Police Report – Given by Chief Fairchild
5. Fire Department Report - Given by Supervisor Thorsby

VII. PUBLIC COMMENTS:

OPEN FOR PUBLIC COMMENTS: 9:15 P.M.

No Individuals gave comments

CLOSED FOR PUBLIC COMMENTS: 9:16 P.M.

VIII. BOARD COMMENTS:

Board Member comments by Trustees Westenbarger and Almassy

IX. NEXT REGULAR MEETING

January 10, 2019 at 7:00 P.M.

X. ADJOURNMENT:

TRUSTEE ALMASSY MOVED, supported by Trustee Westenbarger to adjourn the meeting at 9:38 P.M.

THE MOTION CARRIED UNANIMOUSLY.

WENDY D. MEINBURG, Clerk

FREDERICK R. THORSBY, Supervisor

APPROVED DATE _____

RECORDING SECRETARY: Joyce A. Wilson, Deputy Clerk
11/15/2018