

**THE BENZIE COUNTY BOARD OF COMMISSIONERS**  
**January 22, 2008**

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, January 22, 2008, in the Commissioners Room, Government Center, Beulah, Michigan, 49617.

Present were: Commissioners Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse  
Absent: None

The pledge of allegiance was given with invocation by Commissioner Kelley.

Agenda: Motion by Walterhouse, seconded by Pitcher, to approve the agenda as presented. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Approval of the Minutes:

Motion by Pitcher, seconded by Smeltzer, to approve the minutes of the December 18, 2007 regular meeting as presented. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Walterhouse, seconded by Smeltzer, to approve the minutes of the January 3, 2008 organizational meeting as presented. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

9:03 a.m. PUBLIC INPUT

Chuck Clarke informs the board of a smoke problem at the jail in the middle of the night; there is damage to the HVAC system and Arms & Cole is on target to work on it today.

Sam Miller, Frankfort and EMS staff member thanks the board for the wage increase but feels the retroactive amount should have been approved, the committee recommended retro to October 1, and this is not a middle of the year increase.

9:07 a.m. PUBLIC INPUT CLOSED

**ELECTED OFFICIALS & DEPT HEAD COMMENTS**

Marlene Wood Zylstra, Recycling Coordinator, presents the 2007 annual report for the 24/7 Recycling Program; asks the board to approve redefining of "household"; Household Hazardous Waste days this year will be May 3 at Almira Twp and August 9 with a place to be determined.

Motion by Pitcher, seconded by Smeltzer, to change the definition of household as follows: A Household is defined as: A house, an apartment, mobile home, or condominium, designated as a single family living quarters having residential use or a residential tax parcel identified as having a residential dwelling whether occupied or unoccupied, effective immediately. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Craig Johnson, EMS coordinator, states that he will be starting CPR classes in February with the Government Center employees, vendors have donated the equipment; after those classes he will be going out to other organizations and would like to offer one free class per month and to the community.

Comm Kelley asks for a talking paper to share with the townships.

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Craig states they have had vehicle problems and one is down today; have been in touch with a law firm that will be presenting the ambulance group, of which Benzie belongs, in a class action lawsuit against Ford; there are dispatch center issues and he and the Undersheriff will be presenting information to the board at a later date; Priority Dispatch Center card system is working well; will be visiting Thompsonville to deal with their staffing issues.

Dave Neiger, Planning Director, discussed two issues 1) two Grand Vision workshops being held this week; and 2) attended a workshop in Traverse City on renewable energy with Senator Jason Allen and Rep Dave Palsrok.

Bill Sholten, Emergency Management, has been busy; attended a no spills conference last week which was supported by Homeland Security; FEMA has now approved the Benzie plan.

### **FINANCE COMMITTEE REPORT**

Comm Pitcher presents Consent Calendar items 1-17.

Comm Pitcher removes item 10.

Comm Roper removes item 8.

Comm Sandman removes item 14.

Motion by Pitcher, seconded by Smeltzer, to approve Consent Calendar items 1-7; 9; 11-13; 15-17 as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Pitcher, seconded by Smeltzer, to bring back item 8: To allow the Equalization Director to hire a temporary Field Appraiser Level I not to exceed \$15,000 in his existing department budget, until October 1, 2008.

Motion by Pitcher, seconded by Roper, to table until February 8, 2008 finance meeting. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Pitcher, seconded by Kelley, to send a formal request that Benzie County has a voting seat on TC TALUS for the remainder of the Grand Vision project and implementation. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Pitcher, seconded by Walterhouse, to bring back item 14: To authorize a 2.5% raise for EMT/Paramedics from this point forward, effective with the next pay period; and hold off on the retroactive pay until April 2008 to see the budget status (these employees didn't get a COL raise at the beginning of the fiscal year).

Motion by Walterhouse, seconded by Kelley, to amend to authorize retroactive pay to October 1, 2007 with a 2-1/2% increase for EMS.

Vote on amendment: Motion carried. Ayes: Damm, Kelley, Sandman, Smeltzer and Walterhouse Nays: Pitcher and Roper

Vote on original motion as amended: Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer and Walterhouse Nays: Sandman

10:00 a.m. Public Hearing on Crystal Mountain Expansion Project

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Tino Breithaupt explains the program and procedures to follow with the CDBG grant application; he has presented a resolution for approval by this board.

10:07 a.m. Public Input Opened – No response

10:07 a.m. Public Input Closed

Motion by Pitcher, seconded by Smeltzer, to adopt the Authorizing Resolution as presented, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Pitcher, seconded by Smeltzer, to approve the grant application for Michigan CDBG Title I, Housing and Community Development Act of 1974, for Crystal Enterprises, as amended, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Jim MacInnes, President of Crystal Enterprises, says thank you to all and appreciate the support this board has given for many years; this is very exciting for Crystal.

Mr. Breithaupt says they are prepared to issue a press release on this project.

10:15 a.m. Break

10:23 a.m. Reconvene

Comm Walterhouse states that the ambulances which were purchased have turned into lemons but the boxes are good; he asks the board to allow Mr. Johnson to seek information on a used ambulance to use as a back up.

Motion by Walterhouse, seconded by Sandman, to allow Craig Johnson to look into one pre-owned ambulance for back up and take the information to the EMS Advisory Committee on February 5, 2008, then back to this board. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

### **PERSONNEL COMMITTEE REPORT**

Motion by Kelley, seconded by Sandman, to reappoint Ray Kadlec to the Zoning Board of Appeals until January 1, 2011. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Kelley, seconded by Pitcher, to advertise for the next quarter: 3 – vacancies on the Planning Commission; 2 – vacancies on Transportation Authority; and 3 – vacancies on ZBA. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Kelley, seconded by Pitcher, to distribute the DRAFT Internet/Email Policy to Department Heads, Elected Officials and Board of Commissioners for review and to bring back in February. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

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Motion by Kelley, seconded by Pitcher, to reappoint Steve Nugent to the Workforce Development Board for one year, to end December 31, 2008. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Walterhouse, seconded by Pitcher, to accept the resignation of Gus Christian and send a letter of thank you, authorizing the chairman to sign. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

## SHERIFF REPORT

Sheriff Blank provided a letter to the board from the Department of Justice informing him that Sgt David Tucker has been extended an invitation to attend the FBI National Academy for a 12 week training program.

Motion by Walterhouse, seconded by Kelley, to support and congratulate David Tucker on his acceptance to the FBI National Academy. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

## COUNTY ADMINISTRATOR'S REPORT

Chuck provides a letter and information regarding an easement at the 669 ambulance site; neighboring property has been sold and the new owner would like the easement removed; a folder is provided with Steve Haugen's response to the permit questions and requests that the board review it.

Motion by Walterhouse, seconded by Kelley, to approve the Termination of Easement as presented, Privileged by a private, non-exclusive drive easement 20 feet in width for ingress-egress and more fully described as: Commencing at the Northwest corner of said Section 18; thence S00 degrees 34'94"E along the West section line and County Road 669, 287.00 feet to the centerline of said Drive Easement and point of beginning of said Drive Easement; thence S 71 degrees 20' E along said centerline 168.13 feet; thence continuing along said centerline S 39 degrees 06' E, 40.35 feet to the point of ending of said Drive Easement, with fees to be shared with the property owner. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

11:00 a.m. Craig Seger, Zoning Administrator

Craig presented information to the board on the Turtle Lake Overlay district; the Planning Commission has held a public hearing and approved this amendment to the Zoning Ordinance; will ask for action at the February meeting; a public hearing will be scheduled for February 19, 2008 at 10:00 a.m.; Comm Walterhouse would like a letter from the attorney that it is OK and enforceable; Mr. Seger says the attorney drafted it.

Craig also presented the second Zoning newsletter.

## CORRESPONDENCE

- CMH minutes of November 8, 2007 received.
- Crystal Lake & Watershed Assoc letter regarding monitoring of lake levels – Comm Roper to discuss with the Drain Commissioner.

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- Michigan Storm Water Floodplain Assoc conference info – to be sent to Terry Money.
- Airport Authority minutes of December 6, 2007 received.
- Building Dept activity report for December 2007 received.
- NMSAS minutes of November 5, 2007 received.
- Benzie Transportation Authority minutes of January 8, 2008 received, together with Bylaw changes – to be researched for procedure with Mr. Figura.
- Bay County Resolution regarding Beaches Environmental Assessment received – info only.
- Benzie-Leelanau Health Dept Agenda for 1/24/08 and minutes of November 29, 2007 received.

## NEW BUSINESS

Chairman Roper inquires of the board regarding the continuation of the 8:30 Dept Head Meetings. Motion by Walterhouse, seconded by Damm, to discontinue the department head information sessions at 8:30 a.m. prior to the regular board meeting, for the remainder of the year. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Chairman Roper also recommended keeping committee appointments status quo until next month.

Motion by Pitcher, seconded by Smeltzer, to continue the 2008 committee appointment the same as 2007 until February 19, 2008. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

## COMMISSIONER REPORTS

Comm Pitcher states that she has been spending a lot of time on the Grand Vision project and the consultant made a presentation to Sunrise Rotary today – very well.

Comm Kelley presented a written report.

Comm Sandman presented a written report.

Comm Damm stated that the first CAC meeting had good attendance and they will form an advisory committee; the HR study will be started this week.

Comm Walterhouse reported on Betsie Valley Trail; Homestead Township; Benzie County Road Commission elected new officers; Inland Township; Personnel.

Comm Smeltzer reported that he has been getting call regarding the text regarding the proposed ORV Ordinance; visited with Diane Hash at the Conservation District and wondered about the building renovations so they can decide what to do with their building; he is scheduled for a deposition on January 24 regarding the Moran vs. CMH lawsuit.

Chairman Roper stated there is a public hearing scheduled tonight at Almira Twp at 7:00 p.m. regarding the public beach project – citizens want the township to take it over and apply for funding; as of April 1 Almira Twp will go with two full time people on the ambulance system.

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11:55 a.m. Public Input

Al Brown, Benzonia Twp, asked if there is a meeting at the Road Commission tomorrow at 10:00 a.m. regarding the selling of property at a gravel pit.

Deb Lindgren, Joyfield Twp, asked if there was a questionnaire sent out regarding the ordinance – how did Almira & Platte know to respond.

11:57 a.m. Public Input Closed

Comm Walterhouse responds to Mr. Brown – yes there is a meeting tomorrow regarding the possible sale of 2 acres of a 40 acre pit to in an evaporation system.

Comm Roper responds to Ms. Lindgren – the commissioners were asked to provide information and request letters from their townships.

12:06 p.m. Al Brown, so the road commission owns the pit and they can do what they want – the public does not understand that.

Motion by Pitcher, seconded by Sandman, to adjourn until February 19, 2008, or the call of the chair.

Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

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Mark E. Roper -- Chairman

Dawn Olney – Benzie County Clerk

### INDEX

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5. Approved to table item 8: To allow the Equalization Director to hire a temporary Field Appraiser Level I not to exceed \$15,000 in his existing department budget, until October 1, 2008.
6. Approved sending a formal request that Benzie County has a voting seat on TC TALUS for the remainder of the Grand Vision project and implementation.
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8. Public Hearing on Crystal Mountain Expansion Project.
9. Adopted the Authorizing Resolution as presented, authorizing the chairman to sign.
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