

THE BENZIE COUNTY BOARD OF COMMISSIONERS
October 21, 2008

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, October 21, 2008, in the Commissioners Room, Government Center, Beulah, Michigan, 49617.

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

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

Agenda: Motion by Smeltzer, seconded by Pitcher, to approve the agenda as amended, adding County Administrator Evaluation under Personnel. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Minutes: Motion by Walterhouse, seconded by Stobie, to approve the minutes of September 16, 2008 as amended, changing Planning Commission to Parks Commission on page 9. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

9:05 a.m. PUBLIC INPUT

Carol Merrill, president of TPOAM union, urges the board to not adopt the job description for the Secretary/Payroll Specialist – the union has not reviewed it and that is a union position.

Kristin Hollenbeck, Frankfort, asks how long will the evaluation of the county administrator's position will last, 2, 3, 5 years?

Eric VanDussen asks what happened to the \$50,000 set aside for renovations; recording of meetings; should have night meetings.

9:10 a.m. Public Input Closed

ELECTED OFFICIALS & DEPT HEAD COMMENTS

Linda Wilson, County Treasurer, presents the 2009 Borrowing Resolution and requests approval of it.

COMMITTEE REPORTS

Finance:

Chairman Roper presents Finance Consent Calendar items 1 – 10.

Comm Pitcher removes item 8.

Motion by Pitcher, seconded by Smeltzer, to approve Finance Consent Calendar items 1-7 and 9-10 as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Motion by Walterhouse, seconded by Smeltzer, to adopt the 2009 Borrowing Resolution for the 2008 Delinquent Property Taxes, as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Claiming Reports:

Motion by Walterhouse, seconded by Smeltzer, to approve the claiming reports as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

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Prepaid Bills:

Motion by Walterhouse, seconded by Smeltzer, to approve the prepaid bills as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Personnel:

Chairman Roper presents Personnel Consent Calendar items 1-4.

Commissioner Stobie removes item 4.

Motion by Pitcher, seconded by Stobie, to approve Personnel Consent Calendar items 1-3 as presented. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Motion by Walterhouse, seconded by Pitcher, to postpone the approval of the job description for the Secretary II/Payroll Specialist and bring back in November. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Motion by Pitcher, seconded by Walterhouse, to adopt the job description for the Administrative Assistant, as presented. Motion carried. Damm, Kelley, Pitcher, Roper, Smeltzer and Walterhouse Nays: Stobie

County Administrator's Evaluation:

Comm Pitcher passes out the most recent evaluation information; the committee has met four times; elected officials and commissioners will be asked to complete an evaluation form; it is the county administrator's job to evaluate the department heads annually and the Board of Commissioners to evaluate the county administrator annually.

Most commissioners think all seven commissioners should be present when the evaluation is discussed with Mr. Clarke.

Evaluation doesn't become public; compilation will be placed in his personnel file.

Comm Smeltzer says that the goal is to improve employee duties; evaluations are fine as long as people are honest.

Form will be adopted in November and compilation by December meeting.

Animal Control: will request an update to the ordinance next month; Mr. Clarke states that a public hearing is not needed; changes will become effective 45 days after adoption; new ordinance will include cats as well as dogs.

EMS: Nothing to report.

9:55 a.m. Break

10:02 a.m. Reconvene

COUNTY ADMINISTRATOR'S REPORT:

Chuck Clarke reported that MAC is working on 911 funding issues; Health Insurance – over the past 8 years we have worked on innovative ways to cut costs, and maintain the level of coverage. He

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explains the proposed changes; closed formulary with drug coverage with a tier 1, 2 and 3 level drugs; Dave Bedells reports that the State of Michigan has appealed the boat launch decision.

Motion by Walterhouse, seconded by Stobie, to adopt the health insurance options for Elected and Non-Union, options 1, 2, 3 effective November 1, 2008 with PPO-14 as the safety net policy, as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Chairman Roper reports that an email has been received from Trooper Blair Duvall's widow asking to plant two bushes at the Government Center in his memory; he asks if there is a policy regarding this; where do we want to start and stop with this issue.

Comm Pitcher agrees that we need a policy, it would be helpful.

Chuck Clarke will prepare a policy and report back to this board.

Interview Committee Report regarding Airport Authority:

Comm Pitcher feels that it makes sense for her to continue in that position until January 2009 – or until commissioner appointments are made.

Comm Walterhouse states that you have wanted off this committee and now you want to stay on.

Motion by Walterhouse, seconded by Kelley, that the recommendation from the ad hoc committee to appoint Larry Morris to the Airport Authority effective November 1, 2008, to fill the vacancy until March 1, 2011. Roll call. Motion carried. Ayes: Kelley, Smeltzer, Stobie and Walterhouse Nays: Damm, Pitcher and Roper

10:45 a.m. Tom Longanbach, Equalization Director -- Apportionment Report

Tom presents a revised L-4029 due to Ambulance Bond not needing the full-allocated millage amount for 2009.

Motion by Smeltzer, seconded by Stobie, to approve the Amended L-4029 as presented, lowering the Ambulance Bond to 0.1120 mill. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Apportionment Report: L-4402

Motion by Smeltzer, seconded by Kelley, to accept the L-4402, Taxable Valuations and Mills Apportioned by the County, as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

11:00 a.m. Jeanne Snow, Community Foundation Month, Youth Needs Assessment/Results

Jeanne is with the Grand Traverse Regional Foundation and introduces members who are present:

Susie Voltz, Teresa Mensching, Larry Burks, and Charles Gilbert

October is Community Foundation Month; 2007 data is presented with an alphabetical list of donors; the web address is www.4good4ever.org.

11:17 a.m. Break

11:25 a.m. Reconvene

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11:25 a.m. Ed McIntosh states that this will be his last time before you; in his opinion it was sad of your last vote on the NPS wilderness plan. The park will not be friendly if you limit it; 46% of the park will be closed; you were working with the wrong information when you made your decision; he says that if the people don't want wilderness, that Sen. Hoekstra doesn't either; once the GMP is approved by Congress, that is law – forever; Benzie County will be considered wilderness – who will want to come here; GMP can be what the park wants' they can change it later to what they want; your own Parks & Rec committee wanted Alternative B too.

He has a compromise – recommends consideration of the Preferred Alternative, but without wilderness in Benzie County

Comm Kelley states that we cannot decide for Leelanau County.

Comm Stobie asks if it is not wilderness, then what will it be. As is – bikes, buggies, no mechanical devise.

Comm Damm asks how it will be in 10 years.

Mr. McIntosh says it cannot bring in more economy – there will be more nature development; the law will be taken care of with Congress.

11:30 a.m. Jeannette Feeheley, Citizens for Access to the Lakeshore

Thank you for allowing her to come back; She hands out copies of the motion from August 19, 2008 BOC meeting; there is not mention of the Alternative B in your motion, or of Benzie County – just that you don't like the 1981 plan; This was a great compromise, JNPS did a good job in giving the people what they wanted; you adopted a motion that recognized flaws; the new study will be beneficial; under the new plan they can use mechanical tools in the area; CAL is poised to move this through Congress; the media coverage can be improved; this needs to move forward in a positive way.

Kathy Stocklen, owner of Riverside Canoes, says that once wilderness is established by law, many laws kick in with the primary law is the Wilderness Act of 1964.

Dusty Schultz, Superintendent of the National Park Service, states that within five years after adoption, the NPS is required to come up with a plan – through public comment.

Comm Pitcher asks if rowboats with ores can be used. Dusty states yes. She also asks, does the Preferred Alternative impact the opportunity for a boat launch on Platte Bay? No

Comm Stobie asks that if we take action today with Mr. McIntosh, how it will work. Will it muddy the waters? What will it do?

Comm Roper says they created a plan with wilderness and it is sent to be approved as a plan; the only thing left is Congress to adopt and set boundaries.

Cathy Demitroff, member of Parks & Rec, asks how this board can consider this without talking with the Parks & Rec Commission about this; you appointed them to handle parks & rec.

Ms. Feeheley states that if the parks & rec commission was as active in 2002 as they are now, we wouldn't be where we are now. We begged the parks & rec to put her on the mailing list many times and she still is not on the list to receive meeting notices, agenda and minutes.

Mr. McIntosh says the public had no say on what is wilderness.

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Dusty says the first wilderness plan was in 1975 with public comment; second one was in 1981 and was very public; now we have had extensive 2-1/2 year public comment process; roads are not wilderness and can be in the area; wheelchairs are allowed in the wilderness area – even mechanical ones if needed.

Kathy Stocklen states that the 1981 wilderness law says it must be managed as wilderness and our county road are included.

Dusty says only if the road commission abandons them.

Kathy asks is that legal to leave roads in the wilderness area? Absolutely

Comm Roper states that this issue will be brought back up at 1:30 p.m.

12:37 p.m. NW Michigan Area Agency on Aging – 10% Local Match

Greg Piaskowski, Area Agency on Aging, states that they finance committee met and wondered what to do about Benzie County arrears from 2004, 2005 and 2006. There are ten counties in the Agency and they feel that it would be precedence setting if they forgive it; the committee invited Tom to appear and is asking for \$9,657.00 arrearages; they would agree to Benzie County making payments to cover this amount.

Linda Wilson, County Treasurer, asks to postpone for one month allowing her to look at the budget.

Motion by Kelley, seconded by Walterhouse, to acknowledge that we owe the amount of \$9,657.00 to Area Agency on Aging and will use due diligence to pay, and bring back in November. Roll call. Motion carried. Ayes: Damm, Kelley, Roper, Smeltzer and Walterhouse Nays: Pitcher and Stobie

1:00 p.m. Break for Lunch

1:37 p.m. Reconvene

NPS Wilderness Plan

Comm Kelley says the best teacher was history; this plan limits seniors to enjoy the beauty; business have closed; homes have been moved; deer are natural to the Manitou; NPS is adverse to the needs of this community; appreciate the time with Jeannette and the information she has sent with him, as well as Ed too.

Motion by Kelley, seconded by Roper, to adopt the Preferred Alternative and limit it to No wilderness in Benzie County with Chuck Clarke to send a letter to the Michigan Delegation.

Comm Pitcher says we have a good compromise with the prior resolution; Preferred Alternative allows boat launch on Platte Bay; all seven items we asked for with added.

Comm Stobie says she has not heard anything to change her mind; we need to perverse what we have, that is in our best interest.

Comm Damm feels the same way; more comfortable today with our original motion; trust it will stay.

Comm Walterhouse says all would like not as much wilderness; not changing his position.

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Comm Smeltzer says he also met with Jeannette and Ed and the fact that we are delineating boundaries, is good; begin the process to develop wilderness management plan with public input; he maintains his position last month with input on the Wilderness Management Plan (WMP).

Comm Roper says if we design wilderness and put it in effect, then it prevented us from putting a road in; we need access along the lakeshore with site seeing spots; this act eliminates it. Be sure to put concerns in writing on the WMP.

Roll call. Motion denied. Ayes: Kelley and Roper Nays: Damm, Pitcher, Smeltzer, Stobie and Walterhouse

COUNTY ADMINISTRATOR'S REPORT CONTINUED

LSL Contract for Planning Consulting – will be brought back in November

Response from the State of Michigan regarding the Building Dept report – information only.

2:33 p.m. Comm Damm excused

PRESENTATION OF CORRESPONDENCE

- Bay County resolution regarding Right to Work – information only.
- Parks & Recreation minutes of August 25, 2008 received.
- Announcement of NW Council of Governments 2009 Planning Awards.
- Michigan Township Association minutes of July 16, 2008 received.
- General Preservation Corporation – information only.
- Crystal Lake and Little Platte Lake elevation report received.
- Frankfort City-County Airport Authority minutes of September 4, 2008 received.
- Benzie-Leelanau District Health Dept minutes of September 25, 2008 received.
- Frankfort City-County Airport Authority minutes of October 2, 2008 received.
- Michigan Northern Counties Assoc minutes of September 15, 2008 received.
- Benzie EMS Advisory minutes of September 9, 2008 received.
- Parks & Recreation Commission minutes of September 22, 2008 public input workshop received.
- Parks & Recreation Commission minutes of September 22, 2008 meeting received.
- Manistee-Benzie CMH thank you letter received.
- Road Commission minutes of September 10, September 17, and September 30, 2008 received.
- Correspondence received regarding the potential ORV ordinance.

COMMISSIONER REPORTS:

Comm Pitcher provided a copy of an email from Bruce Harwood regarding the Airport Authority; Chamber has a new chair – Art Jeannot; Would like to apply for the Brownfield grant again and am hopeful that it can work in conjunction with the Land Bank; there is a November 14 deadline and will have a draft to everyone by November 10.

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Motion by Walterhouse, seconded by Smeltzer, to authorize Commissioner Pitcher and County Treasurer Linda Wilson to draft a Brownfield application as requested. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Comm. Kelley provided a written report and talks about the Administrative Assistant – feels it should be a requirement for an Associate Degree, if they don't have it, they should have to get one.

Comm Stobie says you have all read the Airport minutes; she is concerned about the general acrimony at Planning.

Comm Walterhouse talked about a Parks & Rec meeting on October 27 at 5:00 p.m. and then at 7:00 p.m. at Mills Community House; MTA on October 15 @ Platte Township – was very well attended; Health Insurance meeting; union contracts are close to being settled; cannot attend the Road Commission meeting on November 5 – Chairman Roper will attend; Betsie River Restoration.

Comm Smeltzer has nothing to add.

Comm Roper asks how you want the paperwork from Chuck handled; Comm Kelley asks that when he talks about something, to hold it up so we have the right one.

Dawn will send an email to the department heads regarding information for packets to be given to her, not placed in the mailboxes.

Comm Roper states that a month ago Tom was asked to look into the building department and the state requirements of certain things for a building department head; they have to have two years of inspections under their belt to be qualified as a building official and Mr. Haugen has this qualification.

3:00 p.m. PUBLIC INPUT

Cathy Demitroff ~~says that if you have requests from groups, put a note in the committee chair box~~ cautioned the board to really listen to the townships this time around as the townships did not feel like they listened to them when the meetings were held previously.

Eric VanDussen talked about recording meetings; amendment of minutes; Zoning Administrator; Planning Comm secretary.

3:19 p.m. Public Input Closed

Motion by Pitcher, seconded by Smeltzer, to adjourn until November 18, 2008, or the call of the chair. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Mark E. Roper -- Chairman

Dawn Olney – Benzie County Clerk

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1. Approved the agenda as amended.

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2. Approved the minutes of September 16, 2008 as amended.
3. Approved Finance Consent Calendar items 1-7 and 9-10 as presented.
4. Adopted the 2009 Borrowing Resolution for the 2008 Delinquent Property Taxes, as presented.
5. Approved the claiming reports as presented.
6. Approved the prepaid bills as presented.
7. Approved Personnel Consent Calendar items 1-3 as presented.
8. Authorized to postpone the approval of the job description for the Secretary II/Payroll Specialist and bring back in November.
9. Adopted the job description for the Administrative Assistant, as presented.
10. Adopted the health insurance options for Elected and Non-Union, options 1, 2, 3 effective November 1, 2008 with PPO-14 as the safety net policy, as presented.
11. Adopted the recommendation from the ad hoc committee to appoint Larry Morris to the Airport Authority effective November 1, 2008, to fill the vacancy until 2011.
12. Approved the Amended L-4029 as presented, lowering the Ambulance Bond to 0.1120 mills.
13. Accepted the L-4402, Taxable Valuations and Mills Apportioned by the County, as presented.
14. Acknowledged that we owe the amount of \$9,657.00 to Area Agency on Aging and will use due diligence to pay, and bring back in November.
15. Denied motion to adopt the Preferred Alternative and limit it to No wilderness in Benzie County with Chuck Clarke to send a letter to the Michigan Delegation.
16. Authorized Commissioner Pitcher and County Treasurer Linda Wilson to draft a Brownfield application as requested.