

THE BENZIE COUNTY BOARD OF COMMISSIONERS
January 20, 2009

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, January 20, 2009, at 6:00 p.m. in the Commissioners Room, Government Center, Beulah, Michigan, 49617.

Present were: Commissioners Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse
Absent: None

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

Motion by Roper, seconded by Walterhouse, to approve the agenda as amended, adding Jail Millage issue during finance. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Pitcher, seconded by Roper, to approve the regular minutes of December 16, 2008 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Kelley, seconded by Pitcher, to approve the closed session minutes of December 16, 2008 as corrected. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Roper, seconded by Walterhouse, to approve the special meeting minutes of December 17, 2008 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Roper, to approve the special meeting minutes of December 22, 2008 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Roper, seconded by Hollenbeck, to approve the organizational minutes of January 6, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

6:10 p.m. PUBLIC INPUT

Thelma Novak says congratulations to Don and Kristin; talks about the Airport Authority appointment; asks that the alternate position on the Airport Authority be removed; asks that the county administrator be removed from the personnel committee; and review your policy of appointment of committees.

Bruce Harwood, Chairman of the Airport Authority presented a letter to the board that a majority of the Authority has signed requesting removal of Mr. Morris, together with an excerpt of the special meeting of January 20, 2009.

Al Brown, Benzonia, asks if the Villages of Honor & Beulah zoning contracts are still in effect; what about the Cold Creek issue.

6:15 p.m. Public Input Closed

COMMISSIONERS

Page 2

January 20, 2009

ELECTED OFFICIALS & DEPT HEAD COMMENTS

Amy Bissell, Register of Deeds, states that she wants to keep the communication open at all times; has hired Patty Ballard; just received five DVDs with images; will be pursuing contracts for work with the title companies.

Craig Johnson, EMS Director, presents his annual report and says that call volume is up.

COMMITTEE REPORTS

Finance:

Motion by Roper, seconded by Pitcher, to approve Finance Consent Calendar items 1-6 as presented.

Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Roper, seconded by Kelley, to authorize Andersen Tackman as the auditor for the Benzie County Road Commission, as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Jail Millage Issue: Ballot language is due February 24, 2009 for May 5, 2009 Election.

The jail is mandated and most counties fund it with general fund dollars; we need to talk about the concept; and next month talk about rate and length.

Sheriff Heckman says we need to think about mandated and not always special millage; we need to get realistic with the people of this county and think of general fund money without a special millage; they will have early May open houses for the public.

Chairman Tanner appoints an ad hoc committee of: Comm Tanner, Roper, Walterhouse, Sheriff Heckman, and Chuck Clarke.

Motion by Walterhouse, seconded by Pitcher, to authorize Chuck Clarke to request Dave Stoker to draw up ballot wording for a jail millage. Motion carried. Ayes: Damm, Hollenbeck, Kelly, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Roper, to authorize the chairman to sign renewal contracts for the Sheriff Office for seasonal road patrol, snowmobile and marine. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Claiming Reports: Motion by Pitcher, seconded by Roper, to approve the claiming report as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper and Tanner Nays: Walterhouse

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

Personnel:

Chairman Tanner presents Personnel Consent Calendar items 1-7.

COMMISSIONERS

Page 3

January 20, 2009

Comm Hollenbeck removes item 7.

Motion by Pitcher, seconded by Roper, to approve Personnel Consent Calendar items 1-6 as presented.

Motion by Roper, seconded by Walterhouse, to amend item 1 to add ...through April 30, 2009.

Vote on amendment: Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Vote on original motion as amended: Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

#7: Motion by Pitcher, seconded by Walterhouse, to adopt #7 as follows: To request an opinion from Dave Stoker, Attorney, on the removal of someone from a board or committee.

Motion by Damm, seconded by Roper, to amend to include an authority too.

Vote on amendment: Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Vote on original motion as amended: Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Mr. Clarke will ask Mr. Stoker the question for general purpose and also request to be specific to this case.

Future discussions will be held regarding alternates on the authority.

7:10 p.m. Break

7:19 p.m. Reconvene

David Bedells, Attorney, updates the board on the boat launch; he states he wanted to do one final status report to you before he leaves; there are no deadlines now, but you will need to replace him; the new counsel will have substantial catching up to do; the case is before the Supreme Court now but they have not decided if they will hear it; the Court of Appeals affirmed the trial court opinion that it wouldn't violate the trail ordinance; Bigelow Judgment or special law enforcement agreements. Mr. Bedells states that if the board can make a decision on a replacement attorney within the next 60 days would be best to allow him the opportunity to discuss the case with the new attorney.

Chairman Tanner appoints an ad hoc committee to review the hiring of an attorney: Comm Roper and Tanner, Dave Neiger, Chuck Clarke and Dave Bedells as needed.

7:30 p.m. Marlene Wood-Zylstra

Solid Waste Committee recommends acceptance of a one-year agreement for glass recycling as presented.

Motion by Pitcher, seconded by Roper, to enter into a contract with American Waste for glass recycling for a one-year period, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

7:45 p.m. Chip Johnson, CMH

COMMISSIONERS

Page 4

January 20, 2009

Chip states that 2008 was an interesting transition period; they started a compensation review process; CARF status award was received; passed the state and federal audits; in 2009 they will revise the employee evaluation process; initiate a series of input from the public; essential management plan; will spend time reviewing policies.

8:00 p.m. Greg Piaskowski, Area Agency on Aging

Mr. Piaskowski presents the annual report for AAA; he states that they appreciate Tom Kelley on their board; they are a private non-profit agency; they provide funds to Commission on Aging and they try to attend at least 50% of the COA meetings; Contracted Provider RFPs will go out in March.

8:25 p.m. Tad Peacock, Conservation District

Informs the board of the grant opportunities with the DEQ; he is trying to build programs back up; the DEQ is offering grants due to the Bonney Bros settlement; they would like to fund one entity; if the conservation district decides to apply, they will ask for a letter of support the this board. Soil Erosion Permits is a way that the Board of Commissioners and the County can support the Conservation District without writing a check; he requests the Board of Commissioners hand the soil erosion permit program over to the Conservation District to administer. He states that 75-80% of the Conservation Districts around the state are partially funded by their counties.

8:35 p.m. Tom Longanbach, Equalization Director

Tom presented an amended L-4402; Gilmore Twp millage was incorrect.

Motion by Pitcher, seconded by Walterhouse, to adopt the revised L-4402 as presented. Roll call.

Motion carried. Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Animal Control Report for 12/15/2008 to 1/15/2009 received.

Joint meeting of the Board of Commissioners and the Planning Commission is scheduled for Tuesday, February 24, 2009 at 6:30 p.m. in the DHS conference room.

Dave Neiger will continue to administer Beulah & Honor Zoning Agreements.

COUNTY ADMINISTRATOR'S REPORT – Nothing additional to report

CORRESPONDENCE

- Ottawa County resolution regarding CMH – information only.
- Ottawa County resolution regarding roads – referred to the Road Commission.
- Benzie-Leelanau Health Dept meeting dates for 2009 received.
- Planning Commission minutes of December 11, 2009 received.
- MTA Benzie Chapter agenda and minutes of October 15, 2008 received.
- NM Substance Abuse Services minutes of September 15, 2008 received.
- Frankfort City-County Airport Authority minutes of January 8, 2009 received.
- Letter from Craig Seger requesting severance package. Chuck Clarkes states there is no obligation for a severance package. Motion by Walterhouse, seconded by Hollenbeck, to deny the request of Craig Seger for a severance package. Roll call. Motion carried. Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: Roper

COMMISSIONERS

Page 5

January 20, 2009

- Clarification letter received from Karen Roberts, Motion by Roper, seconded by Walterhouse, to direct Chuck Clarke to attach this letter to the analysis referred to. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None
- Bid request from Storm Force Electronics for a recording system – referred to technology.
- Letter from the Chamber of Commerce regarding liaison position.
- NM Council of Government information regarding Brown Bag Forum – information.
- Road Commission minutes of December 10 and December 24, 2008 received.
- Chamber of Commissioner letter received regarding appointment to the Workforce Development Board.
- Transportation Authority minutes of January 13, 2009 received.
- Information received from CMH regarding terms of current members.

9:33 p.m. Break

9:40 p.m. Reconvene

COMMISSIONER REPORTS

Chairman Tanner hands out the list of appointments as he has made them.

Comm Pitcher has distributed a memo regarding the MAC workers comp committee and that she would like to remain on that committee to complete a project she is working on.

Comm Roper asks to be added to the 669 Property committee.

Board Rules:

Chairman Tanner and Commissioner Roper each had corrections to be made; the full board reviewed them.

Comm Hollenbeck states that three elected officials have been asked to attend eight evening meetings this year and they did not receive a raise either. Perhaps per diem should be considered.

Comm Kelley presented a written report; he also thanks Dave Neiger for the excellent report; he is very impressed – that is justification.

Comm Pitcher stated that SWAC is working hard on voluntary participation for Green Business contributions; EDC – the article in the Record Eagle regarding the boat tour didn't mention that Benzie EDC recruited the firm; Art Jeannot is the new president of the Chamber of Commerce.

Comm Roper stated that Almira Township is within \$70,000 of reaching their goal for the beach front property; with the hiring of Gene Mayo at the county, it vacated a maintenance position at the township – they had 72 applicants; the road commission will be in dire straits with the amount of snow we have had this year; Benzie Housing Council is in really tough times, they are looking at cutting their staff; Benzie Bus is doing well.

Comm Damm states that Benzonia Twp didn't pass the millage for a new fire hall, but they can work where they are with about a \$10,000 addition.

COMMISSIONERS

Page 6

January 20, 2009

Comm Walterhouse discussed the telephone contract; asks to postpone it for one year and look at it then; he asks that the addition plans be put in storage.

Motion by Walterhouse, seconded by Kelley, to postpone the phone system at the Government Center and Sheriff Dept for one year. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper and Walterhouse Nays: Pitcher and Tanner

Motion by Walterhouse, seconded by Damm, that the plans for the addition to be put in storage and out of the public view. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Comm Hollenbeck says that Elberta is concerned that the ball has been dropped on the beach to beach trail; feel that the Betsie Valley Trail should put more effort forward.

Comm Tanner asks that you think about publishing a synopsis of the minutes in the paper.

11:00 p.m. PUBLIC INPUT

Dave Neiger states that he has handed out a yellow sheet of paper which has the Summit Agenda on it, \$20 per person; he has also provided his written report; the Grand Vision will report on the same night as the Planning Commission meeting at 6:00 p.m. on February 12.

Carol Merrill, President of the courthouse union, says they are happy to have the HR study but are concerned about the job descriptions approved tonight; you need to look at them.

Al Brown, Benzonia, compliments you on your work with the villages; the relationship is not good enough with the townships for them to support the phone upgrades.

Chip Johnson, CMH says that 2008 was hard for them; thank you to all of you.

11:02 p.m. PUBLIC INPUT CLOSED

Motion by Walterhouse, seconded by Roper, to adjourn until February 17, 2009, or the call of the chair. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Donald R. Tanner -- Chairman

Dawn Olney – Benzie County Clerk

INDEX

1. Approved the agenda as amended, adding Jail Millage issue during finance.
2. Approved the regular minutes of December 16, 2008 as presented.
3. Approved the closed session minutes of December 16, 2008 as corrected.
4. Approved the special meeting minutes of December 17, 2008 as presented.
5. Approved the special meeting minutes of December 22, 2008 as presented.
6. Approved the organizational minutes of January 6, 2009 as presented.
7. Approved Finance Consent Calendar items 1-6 as presented.

COMMISSIONERS

Page 7

January 20, 2009

8. Authorized Andersen Tackman as the auditor for the Benzie County Road Commission, as presented. Authorized Chuck Clarke to request Dave Stoker to draw up ballot wording for a jail millage.
9. Authorized the chairman to sign renewal contracts for the Sheriff Office for seasonal road patrol, snowmobile and marine.
10. Approved the claiming reports as presented.
11. Approved the prepaid bills as presented.
12. Approved Personnel Consent Calendar items 1-6 as presented.
13. Approved adding ...through April 30, 2009. to item 1.
14. Adopted #7 as follows: To request an opinion from Dave Stoker, Attorney, on the removal of someone from a board, committee or an authority.
15. Ad hoc committee to review the hiring of an attorney: Comm Roper and Tanner, Dave Neiger, Chuck Clarke and Dave Bedells as needed.
16. Entered into a contract with American Waste for glass recycling for a one-year period, authorizing the chairman to sign.
17. Adopted the revised L-4402 as presented.
18. Denied the request of Craig Seger for a severance package.
19. Directed Chuck Clarke to attach this letter to the analysis referred to.
20. Postponed the phone system at the Government Center and Sheriff Dept for one year.
21. Approved the plans for the addition to be put in storage and out of the public view.