

**THE BENZIE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
March 10, 2009**

The Benzie County Board of Commissioners met in a Committee of the Whole meeting on Tuesday, March 10, 2009, in the Commissioners Room, Government Center, Beulah, Michigan, 49617.

Present were: Commissioners Damm, Kelley, Pitcher, Roper, Tanner and Walterhouse

Absent: Hollenbeck

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

Approval of the Agenda: Motion by Pitcher, seconded by Roper, to approve the agenda as amended to add Ed Roy at 11:30 am. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Absent: Hollenbeck

9:02 a.m. Comm. Hollenbeck arrived.

Approval of the Minutes: Motion by Pitcher, seconded by Roper, to approve the minutes of February 11, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

9:04 a.m. PUBLIC INPUT

Eric VanDussen, would like to be notified when the Technology Committee meets; cost of the audio recording system; Blank v Benzie County lawsuit and the CMH lawsuit; board rule regarding proposals and sealed bids.

9:07 a.m. Public Input Closed

FINANCE

General Finance Issues:

Millages: Jail & ACO: Rory Heckman and Bill Sholten stated that they have been doing presentations to the public, for the Jail millage. A brochure is being developed to help inform the public, and it is expected to be out in a week or two.

ACO millage will expire 12/2009. Comm Damm will get a recommendation from the Animal Control Committee and bring it back to the Board of Commissioners.

Land Bank: Motion by Pitcher, seconded by Roper to recommend to the Board of Commissioners to accept the CS Mott grant and allocate \$3,000.00 from the contingency fund, authorizing the County Treasurer to sign. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

MMRMA Net Asset Distribution: Motion by Roper, seconded by Damm, to recommend to the Board of Commissioners to roll \$53,000.00 back into the MMRMA bill and reduce the cost. Motion Carried. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

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Stimulus Request: An Ad Hoc committee consisting of Roper, Pitcher, Damm, Chuck Clarke and Bill Sholten will meet regarding stimulus money for the Government Center and Sheriff Department. Comm Roper will chair committee.

Building Dept: Linda Wilson, County Treasurer, stated that currently the Building Department has \$1,538.09 in the 249 fund. Checks will not be written from this fund if there is not enough money to cover them. Steve Haugen, Building Official, stated that several years of mismanagement created a back log of old inspections, that were not taken care of properly, causing part of the problems with revenue. There is an excess of 2000 inspections that they are trying to catch up, and it is required by law that they get closed out. Chuck Clarke and Steven Haugen will prepare a report regarding the status of the backlog of inspections; trend of the department's monthly revenue for the last two years; cost of contracted individual vs. county employee; hours the Building Department will be open due to Building Official performing more inspections.

Motion by Walterhouse, seconded by Tanner to recommend to the Board of Commissioners, to layoff the Asst. Building Inspector for 30 days, effective March 17, 2009. Motion Carried. Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Pitcher, seconded by Walterhouse, to recommend to the Board of Commissioners that the 249 Building Department fund borrow \$20,000.00 from the General Fund. Motion carried. Roll Call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper and Walterhouse Nays: Tanner

10:40 Break

10:50 Reconvene

Budget Issues

Equipment Replacement Fund (425): Motion by Pitcher, seconded by Roper, to recommend to the Board of Commissioners to amend the 2009 (425) fund budget by increasing the revenues and expenditures as presented.

Revenues:

425-325-540.00	Dispatch – Grant G.T. Band	\$15,461.00
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Expenditures:

425-325-970.00	Equipment G.T. Bank	\$15,461.00
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Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper and Walterhouse Nays: Tanner

Spending Issues:

Network Switch: Motion by Roper, seconded by Pitcher, to recommend to the Board of Commissioners to authorize the purchase of a network switch for the computer system at the Government Center, up to \$6,795.00. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Audio Recording Device: Motion by Kelley, seconded by Pitcher, to recommend to the Board of Commissioner to move forward with a small recording system, up to \$200.00, out of the

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

Wireless Access Policy: A Draft copy of the Wireless Access Policy was presented. This will be put on the agenda for the Board of Commissioners meeting on March 17, 2009.

Sheriff: Discussed jail millage and stimulus money earlier in the meeting.

Reports:

Treasurer's Report: Linda Wilson presented the Cash Fund Report.

Tire Grant: Motion by Pitcher, seconded by Roper, to recommend to the Board of Commissioners to accept the tire grant from the DEQ as presented, authorizing chairman to sign. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Roper, to recommend to the Board of Commissioners to authorize the 669 committee to put out for bids for tire removal using DEQ approved and certified contractors. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Roper, seconded by Hollenbeck, to recommend to the Board of Commissioners, to retain EC & S for consultant services for the 669 project through the surface clean up. Motion carried. Ayes: Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: Damm

State Released Lands: Information only

CLPRA: Attorney Ed Roy was present to update the Board of Commissioners on the status of the Crystal Lake Property Rights Association (CLPRA) lawsuit.

Motion by Pitcher, seconded by Damm to enter closed session to consult with its attorney regarding trial and appellate strategy in reference to the pending litigation in the case of the Crystal Lake Property Rights Association v Benzie County, et. al. in accordance with 15.268, Section 8(e) of the Open Meetings act, PA 267.

Motion by Pitcher, seconded by Damm to amend the motion to enter in to closed session to include the County Controller, Planning Department Director and Chair of Planning Commission. Roll Call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

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

11:35 a.m. Enter into closed session

12:20 p.m. Re-Enter into open session

Motion by Walterhouse, seconded by Pitcher, to recommend to the Board of Commissioners to authorize our attorney to file a motion to extend deadline and file a concurrent brief in support of the DNR appeal application, at the Supreme Court, regarding the CLPRA lawsuit. Roll Call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

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Motion by Walterhouse, seconded by Roper, to recommend to the Board of Commissioners to authorize our attorney to file a motion to extend deadline to file a brief in opposition regarding CLPRA appeal, with the Michigan Supreme Court; and if granted then to file the brief and opposition regarding the CLPRA appeal, at the Michigan Supreme Court. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

12:25 p.m. Break

12:30 p.m. Reconvene

Controller's Report: Nothing

PERSONNEL

General Personal Issues

Chair, Planning Commission Letter: Kathy Ralston, Chair of Planning Commission, presented an additional letter to the Board of Commissioner that outline her concerns and request.

Board Rules: Commissioners will review and bring back at next weeks Board of Commissioner meeting, March 17, 2009.

12:45 p.m. Comm Pitcher excused.

Other Issues: Comm Hollenbeck discussed the bidding process regarding the telephone system.

12:46 p.m. Comm Roper excused.

Committee Assignments

Transportation Authority: Comm Roper will be checking with prior members to see if they are seeking re-appointment. Interviews will be done on all new applicants.

Manistee Benzie CMH: Motion by Tanner, seconded by Kelly, to recommend to the Board of Commissioners to re-appoint Joann Worden to the CMH board for a three year term. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Absent: Pitcher and Roper

Planning Commission and Zoning Board of Appeals: All new applicants will be set for interviews.

EDC – Board Terms – Letter from Mr. Figura and Resolution: Draft March 10, 2009, Resolution determining terms for Members of the Board of Directors of the Economic Development Corporation of the County of Benzie, will be brought back to the Board of Commission at the March 17, 2009 meeting. Motion by Walterhouse, seconded by Kelley, to recommend to the Board of Commissioners to approve the expense of Mr. Figura for the decision held by him and Chairman

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Tanner to straighten out EDC appointments. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Absent: Pitcher and Roper

Motion by Walterhouse, seconded by Kelley, to recommend to the Board of Commissioners to adopt the Draft Resolution of March 10, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Excused: Pitcher and Roper

EDC – Two Appointments: All new applicants will be set for interviews.

HR Study Committee Report: Comm Damm presented a written summary of her interpretation of the Human Resource problems. Would like to have the Commissioners review her written report and discuss it during the Board of Commissioners meeting March 17, 2009.

Labor Sub Committee Report: Status of Union Contracts: Chuck Clarke stated that the COAM contract has been signed, and will start working on the TPOAM contract next week.

Other General Topics Requiring Discussion and Potential Board Action

Comm Kelley currently is on the Recovery Court Board and feels that Comm Hollenbeck should be serving on that Board. He will check with Judge Kida as to the procedure to have the switch made.

Motion by Walterhouse, seconded by Kelley, to recommend to the Board of Commissioners to extend the Soil Erosion contract, with Peter Bruski, to expire at the end of the fiscal year. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None Excused: Pitcher and Roper

Comm Hollenbeck gave cost regarding publishing the Board of Commissioner's minute in the Record Patriot. She will work with Dawn Olney to develop the best format including cost and bring it back to the board.

NEW BUSINESS: Next meeting: Tuesday April 14, 2009 6:00 p.m.

1:40 p.m. PUBLIC INPUT

Eric VanDussen, reads Open Meeting Act regarding entering into closed session; questioned why we have four vehicles for the Building Department when they have to borrow money; why didn't anyone know about the backlog of 2000 permits in the Building Department; recording equipment information.

Kathy Ralston, Job Description for Zoning Administrator; Human Resource Study need to continue; Questioned backlog in Building Department.

1:50 p.m. PUBLIC INPUT – closed.

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Motion by Hollenbeck, seconded by Walterhouse, to adjourn until March 14, 2009, or the call of the chair. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Tanner and Walterhouse Nays: None
Excused: Pitcher and Roper

Donald R. Tanner – Chairman

Tammy Bowers – Chief Deputy County Clerk

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Motion by Walterhouse, seconded by Pitcher, that upon recommendation of the Finance Committee of the Whole for Consent Calendar approval:

1. Accept the CS Mott grant and allocate \$3,000.00 from the contingency fund.
2. Roll \$53,000.00 back into the MMRMA bill and reduce the cost.
3. Removed from Consent Calendar.
4. 249 Building Department fund borrow \$20,000.00 from the General Fund.
5. Amend 2009 (425) fund budget by increasing the revenues and expenditures as presented.
6. Authorize the purchase of a network switch for the Government Center, up to \$6,795.00.
7. Move forward with a small recording system, up to \$200.00, out of Commissioners Fund.
8. Accept the tire grant from the DEQ as presented.
9. 669 committee to put out for bids for tire removal using DEQ approved and certified contractors.
10. Retain EC & S for consultant services for the 669 project through the surface clean up.
11. Approve attorney to file a motion to extend deadline and file a concurrent brief in support of the DNR application at the Supreme Court.
12. Authorize attorney to file a motion to extend deadline to file a brief in opposition regarding CLPRA; and if granted then to file the brief and opposition at the Michigan Supreme Court.
13. Extend Soil Erosion contract to expire at the end of the fiscal year.

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Motion by Roper, seconded by Walterhouse, that upon recommendation of the Personnel Committee of the Whole for Consent Calendar approval:

1. Re-appoint Joann Worden to the CMH board for a three year term.
2. Approve the cost chairman acquired to straighten out EDC appointments with attorney.
3. Adopt Draft Resolution of March 10, 2009 as presented.