

**THE BENZIE COUNTY BOARD OF COMMISSIONERS**  
**April 21, 2009**

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, April 21, 2009, at 6:00 p.m. in the Commissioners Room, Government Center, Beulah, Michigan, 49617.

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

Chairman Tanner informs the public that the ORV issue will be covered at 8:15 p.m. and will do public input then as well and normal time. We will discuss holding a public hearing on the ORV Ordinance.

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

Motion by Roper, seconded by Walterhouse, to approve the agenda as amended replacing Dave Neiger at 7:45 p.m. with Tom Longanbach and the Equalization Report. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Motion by Hollenbeck, seconded by Walterhouse, to approve the regular minutes of March 17, 2009 as amended, adding to Lisa Tucker public input that she discussed Tom Whale's ~~disability~~ medical leave. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Motion by Hollenbeck, seconded by Roper, to approve the closed session minutes of March 10, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None

6:07 p.m. PUBLIC INPUT

Chuck Cape, Almira Township, representing ORV owners in Almira Twp; appreciates the opportunity to express concerns on the ORV matter later in the meeting.

Keith Putney, 2611 Forrester Road, has had severe Animal Control issues for the past 9-1/2 years; talked to Ms. Hollenbeck regarding it; neighbor trespasses; he gets support.

Thelma Rider Novak, 1019 River Road, last week appeared at the COTW meeting and it has been six months since the Larry Morris appointment to the Authority Board and asked why they intentionally and purposely deceived the board; asks the board to make a motion to have a vote of confidence of Larry Morris' performance on the Airport Authority and if it fails, that he be removed from the board. It is time this board stands up for those you represent.

6:12 p.m. PUBLIC INPUT CLOSED

**ELECTED OFFICIALS & DEPT HEAD COMMENTS**

Linda Wilson, County Treasurer, presents the 2008 tax collection report; \$2.3 million turned over as delinquent; the collection is up over 6.5% over last year; the 669 Committee RFPs are out for the tire collection and ask that the committee be authorized to open the bids and make a recommendation to the Board on May 12; asks that the 669 Committee be authorized to use funds in the Land Re-Utilization Fund for that property – gates and survey.

Motion by Roper, seconded by Damm, to allow the 669 Committee to open and review bids for tire removal from the 669 property and to bring a recommendation back to the Board on May 12, 2009.

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

Motion by Roper, seconded by Kelley, to authorize the use of the Land Re-Utilization Funds for expenses on the 669 property as needed. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Dawn Olney, County Clerk, informs the board and the public present that totals for the jail and school millage will be posted to the web site throughout election night as results come in. Check out the site at [www.benzieco.net](http://www.benzieco.net)

Steven Haugen, Building Department, discusses with the board the Mobile Home Issue near the Frankfort City-County Airport; he provides information to the board.

Discussions held with Bruce Harwood, Chairman of the Airport Authority Board, and states that the current elevations are incorrect; they are working on a new ALP to determine length of the runway; if a moratorium isn't possible, OK.

Motion by Roper, seconded by Walterhouse, to state that the Certificate of Occupancy that comes from the Building Department have a stipulation on it that will be temporary until the ALP is in place. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Roper, Tanner and Walterhouse Nays: Kelley Exc: Pitcher

Craig Johnson, Emergency Services Coordinator, states that the 911 committee meetings are well attended; last evening had Harriett Miller-Brown with the State 911 here; he asks for a commissioner to attend and Chairman Tanner and Comm Walterhouse would like to attend; Frankfort house and garage need new roofs; three bids were received.

Motion by Walterhouse, seconded by Damm, to award the bid for a new roof on the Frankfort EMS house and garage to CHM Construction in the amount of \$10,400, with funds taken from the EMS budget. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Bill Sholten, Undersheriff, states that they met Friday with Judge Batzer regarding court security and they are working on a proposal; 911 CAD system is installed and 12:00 noon on April 22, 2009 will go live with it; 100% of the staff was in training today regarding bombs and immigration & customs; cross deputization with the Grand Traverse Band to enforce on tribal property.

7:15 p.m. Break

7:29 p.m. Reconvene

7:30 p.m. Marlene Wood-Zylstra, Recycling Coordinator

Marlene asks approval of a contract with Drug & Lab for Household Hazardous Waste allowing them to handle electronic collection too.

Motion by Walterhouse, seconded by Hollenbeck, to enter into a contract with Drug & Laboratory Disposal, Inc for Household Hazardous Waste removal as presented, authorizing the chairman to

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

## COMMITTEE REPORTS

### Finance:

Comm Roper removes #2.

Motion by Walterhouse, seconded by Roper, to approve Finance Consent Calendar items 1 and, 3-8 as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Item 2: Motion by Hollenbeck, seconded by Roper, to approve #2 as follows: To take \$4,000 from General Fund fund balance for improvements of handicap accessibility and interior wall to separate the two entities in the Council on Aging building; Mark Roper to keep an eye on the project. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

### Claiming Reports:

Motion by Walterhouse, seconded by Kelley, to approve the Claiming Report as presented, in the amount of \$216,489.35. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

### Prepaid:

Motion by Roper, seconded by Walterhouse, to approve the Prepaid Bills as presented, in the amount of \$646,506.68. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

### Personnel:

Comm Tanner removes item 2.

Motion by Walterhouse, seconded by Roper, to approve Personnel Consent Calendar items 1 and 3-6 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Motion by Kelley, seconded by Roper, to approve #2: To interview the candidates for the Community Mental Health vacancy. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

7:45 p.m. Tom Longanbach, Equalization Director

Tom presents the L-4024, Equalization Report

Motion by Walterhouse, seconded by Roper, to adopt the L-4024 as presented, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

CMH Interview committee: Commissioners Walterhouse, Damm and Pitcher – interviews scheduled for Wednesday, April 29 at 1:30 p.m.

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Motion by Kelley, seconded by Roper, to appoint Mary Carroll to the EDC Board to work on selected projects. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse  
Nays: None Exc: Pitcher

Resolution to Correct EDC terms:

Motion by Roper, seconded by Walterhouse, to adopt the Resolution Determining Terms for Members of the Board of Directors of the Economic Development Corporation of the County of Benzie as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse  
Nays: None Exc: Pitcher

Resolution for Amendment to the EDC Articles of Incorporation:

Motion by Roper, seconded by Walterhouse, to adopt the Resolution Amending the Articles of Incorporation of the Economic Development Corporation of the County of Benzie as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse  
Nays: None Exc: Pitcher

8:00 p.m. Joseph "Chip" Johnson, Manistee-Benzie CMH

Mr. Johnson provides the board with a quarterly update; three major funding areas: Medicaid, Medicaid C & General Fund; Manistee-Benzie CMH is the 2<sup>nd</sup> lowest recipient in the State of Michigan at \$101.00 per person; Oakland County is the highest at \$577.00 per person.

Motion by Walterhouse, seconded by Hollenbeck, to adopt a Resolution Regarding Funding Equity for Manistee-Benzie Community Mental Health, as adopted by Ottawa County. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse  
Nays: None Exc: Pitcher

Donald Smeltzer, CMH Board Member, thanks the board for their support and will try to get the State of Michigan to equal out their contributions.

8:25 p.m. Break to the Annex for the ORV Issue

8:30 p.m. Reconvene

Chairman Tanner explains to the audience (about 60 people) that public input will be allowed but only on the ORV issue.

Comm Roper states that the draft Ordinance and minutes are available; he showed a map of the county will areas marked; if we close too much off, we will have problems; water area is protected; some townships have already chose to opt out; conservancy properties are out; road bordering other counties are closed; asks of any questions from the commissioners.

Comm Hollenbeck has real concerns about damage along roads; also safety; snowmobiles are no problem.

Comm Kelley says you have to look at the county as a whole; you will be voting for all townships.

Comm Damm says regarding Section 3 she is uncomfortable with the county approval; there is a liability issue.

Comm Roper says that July 17 the townships can create their own ordinance and enforce them.

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Comm Tanner says if we adopt a county ordinance, will a township be allowed to have a different ordinance from the county? Don't know – Comm Roper will ask that question.

Comm Damm says regarding Section 3 that everyone doesn't fit under the same umbrella.

Comm Roper says it will be too hard for people to enjoy if there are several umbrellas.

Comm Kelley says if a township enacts their own after July 17, they enforce their own.

8:57 p.m. Public Input Opened

Several persons from the public spoke on the ORV issue both for and against the ordinance.

9:43 p.m. Public Input Closed

Motion by Roper, seconded by Kelley, to hold a public hearing for the purpose of moving ahead with an ORV Ordinance. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None

A public hearing will be held Wednesday, May 13, 2009 from 6:30 p.m. – 8:30 p.m. at the Platte River Elementary School Gym.

9:55 p.m. Break

10:00 p.m. Reconvene

Comm Hollenbeck states that she has received several calls regarding dog problems and invited the Animal Control Officer to the Frankfort meeting; how do we get the Animal Control to do something?

Undersheriff Sholten says that he has talked with Mr. Putney and has the information.

Chairman Tanner asks that this be looked into and asks for a report next month and that this is taken care of.

### **COUNTY ADMINISTRATION'S REPORT:**

Presents a letter for attorney firms that the county will use; Letter to the newspaper regarding the jail; says that the correction made earlier today of last month's minutes is incorrect – Lisa Tucker made no reference to disability.

Motion by Walterhouse, seconded by Kelley, to adopt the seven attorney firms that the county should be able to draw from for the next two years for county business. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Motion by Hollenbeck, seconded by Roper, to submit the proposed article to the Record-Patriot regarding the jail millage. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Chairman Tanner states that the minutes will accurately state what was said and the minutes will be adopted at next month's meeting.

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Motion by Roper, seconded by Hollenbeck, to rescind the motion to approve the minutes from March 17, 2009. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse  
Nays: None Exc: Pitcher

Motion by Hollenbeck, seconded by Damm, to have a vote of confidence for Airport appointee Larry Morris with the understanding that if it doesn't pass, his appointment is automatically rescinded. Chairman Tanner says you need a written complaint then hold a hearing.  
Motion by Damm, seconded by Tanner, to lay the motion on the table.

Discussion held with the Board, Bruce Harwood, chairman of the Airport Authority, Thelma Rider Novak and Larry Morris.

Roll call. Motion carried. Ayes: Kelley, Roper, Tanner and Walterhouse Nays: Damm and Hollenbeck Exc: Pitcher

### **CORRESPONDENCE:**

- Letter from CMU re projects – information only.
- Letter to Dept of Natural Resources from Parks & Rec commission regarding Railroad Point.
- Road Commission minutes of January 14, January 28, February 11, February 26, March 12 and March 25, 2009 received.
- Resolution from the Road Commission regarding plan to improve roads and highways – information only.
- Transportation Authority minutes of March 20, 2009 received together with Profit & Loss Statement.
- NMCOG Board Brief from February 27, 2009 received.
- Parks & Recreation minutes of February 23, 2009 received.
- Planning Director's 2009 Proposed Capital Improvements Plan – information only.
- LSL Wind Energy Regulation – information only.
- Letter from Almira Twp regarding no longer providing Primary fire or extrication service to Inland Twp.
- Letter to Dave Neiger from Mark Richmond regarding zoning.
- Benzie-Leelanau Health Dept minutes of March 26, 2009 received. Comm Walterhouse talks about the Clean Indoor Air Regulation the Health Dept is looking to adopt.
- Zoning Ordinance Re-Write Committee minutes of March 29, 2009 received.
- Various emails regarding Airport Authority received.
- MMRMA FOIA Workshop information.
- Tobacco Reduction Resolution – information only.
- NMCOG information regarding the Grand Vision set for April 30, 2009 – information.
- Michigan Northern Counties Assoc agenda for April 20, 2009 and minutes of March 16, 2009 received.
- Allegan County resolution regarding Stimulus Monies – information only.
- Building Dept report for March 2009 received. Chairman Tanner states that he has talked with Beth Aben from the State regarding some misinformation provided in the article that ran

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in the Record Patriot; she would like to come up and tell us what they could do for us. C Chairman Tanner will call and she when she can come up.

- Letter from the DNR with Interlocal Agreement with the Little River Band provided – information only.
- Critical Bridge Resolutions:
- Motion by Walterhouse, seconded by Tanner, to adopt the resolution for Critical Bridge Application for Haze Road, Weldon Township. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher
- Motion by Walterhouse, seconded by Kelley, to adopt the resolution for Critical Bridge Application for Reynolds Road Bridge in Colfax Township. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher
- Motion by Walterhouse, seconded by Hollenbeck, to adopt the resolution for Critical Bridge Application for River Road Bridge in Crystal Lake Township. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher
- Information received from Manistee County regarding the 4<sup>th</sup> Annual Energy Fair.
- Recommendation from Judge Batzer regarding Jury Board appointment: Motion by Roper, seconded by Walterhouse, to reappoint Gail Nugent to the Jury Board for a six-year term, beginning May 1, 2009. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher
- Airport Authority minutes of March 5, 2009 received.
- Lenawee County Resolution re Proposal A – information only.
- NMCOG agenda for 4/24/09 meeting.
- Park & Recreation agenda for April 27, 2009 and minutes of March 23, 2009 received.
- DHS Children's Rights settlement – information only.
- MSU Resolution: Motion by Roper, seconded by Tanner, to adopt the resolution opposing reduction of funding for MSU Extension. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher
- Motion by Roper, seconded by Kelley, to authorize the purchase of microphones for the digital recording system, up to \$300. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

HR Committee will set a calendar of how things should move along; Chuck will set up an organizational meeting.

Zoning Administrator Contract: Chuck has put together an RFP and will send to select persons; Chairman Tanner says it should be an intergovernmental contract.

Spending Policy: Will be discussed next month.

Planning Commission Ordinance: Motion by Walterhouse, seconded by Hollenbeck, to schedule a Public Hearing for May 19, 2009 at 10:00 a.m. to discuss and possibly adopt the Proposed Planning

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Commission Ordinance. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

FOIA Appeal: Motion by Tanner, seconded by Roper, to uphold the decision of the FOIA Coordinator except that requested information in the possession of the insurance carrier should be provided, and if available any tapes that we may obtain currently none are in our possession, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

### COMMISSIONER REPORTS:

Comm Kelley has provided a written report.

Comm Roper passes.

Comm Damm passes.

Comm Walterhouse stated that the Betsie Valley Trail committee met on April 6 and the Village of Elberta wants development of the trail to the Cabbage Shed; Spaghetti Dinner; MTA will be held at Homestead Twp.

Comm Hollenbeck says she is very ambitious and will try and be like Tom with a written report.

Comm Tanner says fishing is good.

12:20 a.m. Public Input – None

Motion by Roper, seconded by Kelley, to adjourn until May 19, 2009, or the call of the chair. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

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Donald R. Tanner -- Chairman

Dawn Olney – Benzie County Clerk

### INDEX

1. Approved the agenda as amended.
2. Approved the closed session minutes of March 10, 2009 as presented.
3. Authorized the 669 Committee to open and review bids for tire removal from the 669 property and to bring a recommendation back to the Board on May 12, 2009.
4. Authorized the use of the Land Re-Utilization Funds for expenses on the 669 property as needed.
5. Approved to state that the Certificate of Occupancy that comes from the Building Department have a stipulation on it that will be temporary until the ALP is in place.
6. Authorized to award the bid for a new roof on the Frankfort EMS house and garage to CHM Construction in the amount of \$10,400, with funds taken from the EMS budget.

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7. Approved to enter into a contract with Drug & Laboratory Disposal, Inc for Household Hazardous Waste removal as presented, authorizing the chairman to sign.
8. Approved Finance Consent Calendar items 1 and 3-8 as presented.
9. Approved to take \$4,000 from General Fund fund balance for improvements of handicap accessibility and interior wall to separate the two entities in the Council on Aging building; Mark Roper to keep an eye on the project.
10. Approved the Claiming Report as presented, in the amount of \$216,489.35.
11. Approved the Prepaid Bills as presented, in the amount of \$646,506.68.
12. Approved Personnel Consent Calendar items 1 and 3-6 as presented.
13. Authorized to interview the candidates for the Community Mental Health vacancy.
14. Adopted the L-4024 as presented, authorizing the chairman to sign.
15. Appointed Mary Carroll to the EDC Board to work on selected projects.
16. Adopted the Resolution Determining Terms of the Board of Directors of the EDC.
17. Adopted the Resolution Amending the Articles of Incorporation of the EDC.
18. Adopted a Resolution re Funding Equity for Manistee-Benzie CMH.
19. To hold a public hearing for the purpose of moving ahead with an ORV Ordinance.
20. A public hearing will be held May 13, 2009 from 6:30 p.m. – 8:30 p.m. at the Platte River Elementary School Gym.
21. Adopted the seven attorney firms that the county should be able to draw from for the next two years for county business.
22. To submit a proposed article to the Record-Patriot regarding the jail millage.
23. To rescind the motion to approve the minutes from March 17, 2009.
24. Adopted a vote of confidence for Airport appointee Larry Morris with the understanding that if it doesn't pass, his appointment is automatically rescinded.
25. Adopted the resolution for Critical Bridge Application for Haze Road, Weldon Township.
26. Adopted the resolution for Critical Bridge Application for Reynolds Road Bridge in Colfax Township.
27. Adopted the resolution for Critical Bridge Application for River Road Bridge in Crystal Lake Township.
28. Reappointed Gail Nugent to the Jury Board for a six-year term, beginning May 1, 2009.
29. Adopted the resolution opposing reduction of funding for MSU Extension.
30. Authorized the purchase of microphones for the digital recording system, up to \$300.
31. A public hearing will be held on May 19, 2009 at 10:00 a.m. to discuss and possibly adopt the Proposed Planning Commission Ordinance.
32. Upheld the decision of the FOIA Coordinator except that requested information in the possession of the insurance carrier should be provided, and if available any tapes that we may obtain currently none are in our possession, authorizing the chairman to sign.