

THE BENZIE COUNTY BOARD OF COMMISSIONERS
June 16, 2009

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, June 16, 2009, 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 Pitcher, seconded by Roper, to approve the agenda as amended, adding FOIA Appeal and Thelma Rider-Novak at 11:00. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Roper, to approve the regular meeting minutes of May 19, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Pitcher, to approve the special meeting minutes of June 1, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Pitcher, seconded by Damm, to approve the closed session minutes of June 9, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

9:06 a.m. Public Hearing on 2009 Tax Rate

Tom Longanbach, Equalization Director, says that without a public hearing, the county would be limited to assess the amount collected last year.

9:09 a.m. Public Input Opened

Ken Burrows says he can't help but think of the depression and we are not far from it now; we need to find better ways to run county business rather than tax, tax, tax; you need to start cutting.

9:12 a.m. Public Input Closed

Motion by Kelley, seconded by Pitcher, to authorize a millage levy of 3.5144 for the county operations for July 2009 and adopt the L-4029 as presented.

Chairman Tanner says the CMH and Health Dept boards are struggling too but we still need to provide services.

Comm Walterhouse believes we need to turn this down; times are hard.

Comm Pitcher says that is why we need this; the economy is the reason to do it.

9:23 a.m. Public Input

Cliff Groestick asks what it is we are talking about here for an increase on his property.

Tom Longanbach says it is a complicated process.

Ken Burrows says he doesn't understand how our property can have any greater value than before.

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

9:32 a.m. Close Public Hearing

9:32 a.m. PUBLIC INPUT

Robert Theobald, President of the Village of Honor, asks the Board of Commissioners to get the ? mark building out of the village; it is a dangerous building; teenage kids hang out there; can you speed it up to clean up the building; the building has been condemned.

Tad Peacock, Warren Road, thanks the Benzonia Twp Fire Dept for stopping the fire that nearly claimed his house; Talks about the HSCB and the possibility of 211 referral service; 85% of the State of Michigan is hooked up; Consumers Power will offer grant money to get hooked up; Benzie County needs to be part of a consortium; this will help take the pressure off of 911; cost to start up is minimal and based on population.

9:42 a.m. PUBLIC INPUT CLOSED

ELECTED OFFICIALS & DEPT HEAD COMMENTS

Craig Johnson, EMS Director, discussed vehicles and possible grant from USDA (10%); asks the board to authorize the chair to sign a pre-application.

Motion by Roper, seconded by Walterhouse, to authorize the chairman to sign a Pre-application to USDA for a 10% grant to purchase an EMS Echo unit. Roll call. Motion carried. Ayes: Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: Damm and Pitcher

Linda Wilson, County Treasurer, discusses with the board the formation of a land bank authority which would have five members: County Treasurer, a member of the Board of Commissioners and three at-large members; this can tie into a Brownfield Authority too.

Motion by Pitcher, seconded by Roper, to create a Land Bank Authority for Benzie County. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Pitcher, seconded by Roper, to enter into an Intergovernmental Agreement between the Michigan Land Bank Fast Track Authority and the Benzie County Treasurer creating a Land Bank Authority, authorizing the Treasurer to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Pitcher, to advertise for three at-large members to the Land Bank Authority. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

EDC Close Out of Crystal Mountain Infrastructure Grant

10:00 a.m. PUBLIC HEARING

Tino Breithaupt, Traverse Bay EDC; Norm Campbell, Benzie County EDC; and Michael Call, Crystal Mountain, are all present.

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Mr. Breithaupt gives a brief recap that in 2007 Crystal Mountain received a \$250,000 CDBG loan from Michigan EDC; \$113,650 match from Benzie County (which Crystal Mountain paid for) and an additional \$3.5 million which Crystal Mountain covered. The project was completed in less than two years; was a 13,000 square foot project; 25 new jobs were created with an average wage of \$13.00 per hour; Crystal Mountain employs 246 full-time employees with an average wage of \$16.00/hour.

Michael Call concurs and says thank you to all that Crystal Mountain was able to receive these funds; also for Tino's help and Linda Wilson and her staff too; Crystal is very energy conscious.

Comm Pitcher states that the matching funds mentioned from Benzie County were not Benzie County funds, but came from Crystal Mountain.

Mr. Breithaupt says that Benzie County had to be the applicant but Crystal Mountain covered those funds – no Benzie County funds were used.

Comm Hollenbeck says the goal of the EDC is to having living wage jobs; she says to Mr. Call that she hopes you continue to strive to raise wages.

10:10 a.m. Public Input on EDC loan – Closed

Motion by Roper, seconded by Walterhouse, to close out the EDC Crystal Mountain grant as requested. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

10:12 a.m. Public Hearing Closed

Marlene Wood-Zylstra, Recycling Coordinator, requests letter to support to Allan O'Shea for the Energy Fair; introduces two workers through NW Michigan Works! – Cory Wilson and Dan Melton –she will have them to work 20 hours per week for 12 weeks; would like to be a good neighbor and would like to relocate the Frankfort recycling bins from Glen's for the summer months; Rick Rineer has offered his property in Industrial Park; Cops to Cones sustained damage they say that was due to the gravel at the recycling site – she asks to reimburse them and he will not go to small claims court.

Motion by Roper, seconded by Pitcher, to authorize a letter of support to Allan O'Shea for the 4th Annual Energy Fair. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Pitcher, to authorize \$507.50 to Grant Sowa along with a letter barring all future claims. Motion carried. Ayes: Damm, Hollenbeck, Pitcher, Roper, Tanner and Walterhouse Nays: None

10:25 a.m. Comm Pitcher excused.

Comm Walterhouse would like to tie in Brownfield with the Land Bank; it is suggested to hold off to allow Steve Haugen and Bill Crawford talk about their respective codes.

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10:31 a.m. Break

10:43 a.m. Reconvene

Dawn Olney, County Clerk, informed the board that the deadline to have ballot wording for a November 2009 election would be August 25.

Animal Control: Lisa Packard has resigned and Ed Carter has been moved to full time.

Comm Kelley states that Dave Neiger has provided the board with an excellent report – that is just what he has wanted.

COMMITTEE OF THE WHOLE REPORTS

Finance:

Motion by Walterhouse, seconded by Roper, to approve Finance Consent Calendar items 1-14 as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Claiming Report:

Motion by Walterhouse, seconded by Damm, to approve the claiming report as presented in the amount of \$271,905.03. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Prepaid Bills:

Motion by Walterhouse, seconded by Roper, to approve the prepaid bills as presented in the amount of \$347,268.12. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Personnel:

Part-Time Secretary II Planning Department:

Motion by Kelley, seconded by Walterhouse, to approve the job description for the Part Time Secretary II, Planning Department as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

11:00 a.m. FOIA Appeal – Thelma Rider-Novak

Ms. Novak apologizes to everyone that was in attendance last week; serious accusations have been made and in all fairness to Chuck Clarke and herself, the Board of Commissioners needs to make a decision. She asks Mr. Clarke a few questions and then will decide if she moves forward with the appeal; she is entitled to email response.

Chairman Tanner states that Mr. Clarke has provided a written letter of response to the FOIA appeal to him.

Comm Hollenbeck wants to hear Ms. Novak's questions and Chuck Clarke's response.

Mr. Clarke says he has responded to her request by letter.

Comm Roper says Mr. Clarke wrote a response and Ms. Novak has not seen it, she is entitled – it is public.

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Chairman Tanner reads the letter aloud.

Ms. Novak says it is not sufficient; she states that a county computer should not be used for personal use; you need to find out what prompted this response; this is not the first time he has been dishonest; you need to retrieve his hard drive and take to someone independent and have it examined.

Chairman Tanner says that when you communicate with a private computer about business, it is fair game. Comm Pitcher & Roper were also copied on the email.

Comm Kelley says lets get the best and get it done (search the hard drive).

Ms. Novak states that it is not her intent to claim embarrassment to Mr. Clarke and Mr. Morris, if they resign, she will not move forward – effective immediately.

Motion by Kelley, seconded by Hollenbeck, to have the hard drive to Mr. Clarke's computer looked over and make a decision after that.

Motion by Tanner, seconded by Walterhouse, to amend to look at all sources to determine if the email exists.

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

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

COUNTY ADMINISTRATOR'S REPORT -- Nothing Additional

CORRESPONDENCE

- Airport Authority minutes of May 7, 2009 received.
- Road Commission minutes of April 9 and 23, 2009 received.
- Benzie Transportation Authority minutes of May 19, 2009 received.
- Planning Commission minutes of May 6, 2009 received.

11:45 a.m. Elaine Wood, Northwest Michigan Council of Governments

Ms. Wood presents the annual report for 2008; she states the numbers are up for 2009; Requests support of a grant opportunity for the ten-county region.

Motion by Roper, seconded by Kelley, to adopt the resolution to authorize Northwest Michigan Council of Governments to be the Authorized Entity to apply for the Strengthening Communities Fund on behalf of the 10-county region. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

12:10 p.m. Break for Lunch

1:00 p.m. Reconvene – Comm Pitcher returned

Ed McIntosh, Bixler-Carter-Platte Wastewater Treatment Association

Mr. McIntosh states that he has a proposal and will look for action from the Board of Commissioners today; he asks for a decision as to the concept of the agreement – not the agreement itself. He has talked with Chuck Clarke, Terry Money and Bill Crawford regarding the issue; they now have 40 families agreeing to participate but they do have room for more members; this is the way to go; they

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will pay all expenses, but need to wrap themselves in to the county cloak; they cannot apply for grants and loans without the county; would like to set up a special assessment district; may need to add Benzonia Township and the Road Commission.

Comm Pitcher asks if there will be anything on the deed that would require them to pay? Yes, and they will sign an agreement; it will be with the property, not the owner.

Mr. McIntosh states that they will recanvass the area to see if other want in.

Dave Neiger states that the Department of Public Works may be a better way to go to handle this.

Terry Money to Mr. McIntosh says he is very supportive of this project and agree with the DPW idea but don't want you to seek engineers that I need to pay for.

Linda Wilson has several questions:

1. Is there a law or Public Act this will go under? Yes
2. If this all falls through & bonds are out there – who is responsible? The association will put up a performance bond and reserve fund.
3. Special Assessments are a township issue and they would hold a public hearing; only if it is county-wide does it fall on the Board of Commissioners for that.
4. Special drains – will we have to open up the DPW?

Motion by Damm, seconded by Pitcher, to explore the feasibility and concept of a Benzie County collaboration with the Bixler-Carter-Platte Wastewater Treatment Association. This would be a pilot program that might demonstrate a potential repeatable model for lakeside residents to develop alternative cost-effective solutions to waste-water treatment. Benzie County would provide assistance in obtaining grants and other finance options that would not accrue financial or legal expenditures by the County.

Comm Pitcher says you may want to take out the portion on cost – we may want to spend money for an attorney.

Mr. McIntosh says we will pay for attorney fees.

Comm Kelley wants to see signatures first.

Comm Damm says this is a feasibility and concept study.

Terry Money says all expenses will be sent to Mr. McIntosh.

Mr. Crawford says we see substantial need along the lakes; we are very supportive of the concept here; it is very important and is supported by the Health Dept.

Roger Griner is supportive as a person; the Road Commission is still considering it.

Bob Weaver, Manager at the Road Commission, says they will look at the concept; the DEQ says we have to start banking for wetlands; if it falls under the county, he doesn't need easements from the owners.

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

Nays: Kelley

CORRESPONDENCE CONTINUED

- Benzie-Leelanau Health Dept minutes of May 14, 2009 received.
- Planning Commission minutes of May 14, 2009 received.
- Michigan Northern Counties Assoc minutes of May 18, 2009 received.
- Benzie Transportation Authority minutes of June 9, 2009 received.
- Lake County resolution regarding Brownfield – referred to County Treasurer.

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- Allegan County resolution regarding HB 4893 and Medical Examiner retention of body and organ tissue – information only.
- Allegan County resolution regarding State Funding of Public Health Services – information only.
- Lake County resolution regarding Enhanced Driver License – information only.
- Crystal Lake and Little Platte Lake elevation reports received for May.
- Letter received from Cops to Cones regarding May 27 problem – information.
- Lake Twp letter regarding opting out of the ORV Ordinance.
- Colfax Twp note regarding opting out of the ORV Ordinance
- Thank you letter from MAC received.
- Wind Energy Resource Zoning Board – information.
- AAA Multi Year Plan: Motion by Kelley, seconded by Pitcher, to adopt the resolution for Area Agency on Aging of Northwest Michigan FY 2012 – 2012 Multi-Year Plan as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None
- Letter received from Munson Healthcare regarding donation in memory of Steve Fortine (discovered this should have been sent to the Road Commission).
- Airport Authority minutes of June 4, 2009 received.
- Building Dept report for May 2009 received.
- Oscoda County resolution regarding Road Commission seats – information only.
- Oscoda County ORV ordinance.

2:30 p.m. Comm Damm excused.

- Animal Control report for June, 2009 received; Mr. Clarke reported that the animal control department has lost an employee due to personality conflict with the AC officer and she wanted to pursue other things. Mr. Clarke states that the ACO was asking the Clerk to do her work too; Ed Carter will move to full time.
- An exit interview will be completed with Ms. Packard, Animal Welfare League and Chairman of the HR committee.
- Planning Director's report for April & May 2009 received.

COMMISSIONER REPORTS

Comm Pitcher mentioned that there will be hybrid buses at the Energy Fair; Manistee County passed PA 69 today.

Comm Kelley presented a written report.

Comm Roper talked about Road Commission issues with Miller Road; Strawberry Social at the Road Commission on June 27 in the afternoon; June 27 Wheels for Wellness ride around Crystal Lake; 669 Property will meet with Miss DIG this week and American Waste to come in and work then in July we will look at starting the tire removal process; EMS; met with Ed McIntosh, Kathy Stocklen and Representative from Hoekstra's office regarding the National Park Service General Management Plan.

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Comm Waltherhouse has nothing additional to add.

Comm Hollenbeck talks about the EDC Strategic Planning Session; City of Frankfort Carnival; Production Industries; Domestic Violence & Recovery Court meetings; The Maples; Gilmore Township; Broadband.

Comm Tanner says they are still discussing where the CMH cuts will come down next; we should forward letters of thank you to Mike Head for doing the right thing.

2:52 p.m. Public Input

Marsha LaTour, Benzonia, concern about the company that applied for a zoning variance and was denied; water project – sometimes they over build for their lot size.

Dawn Olney asks if the 211 is the same project from a couple years ago that was based in the Muskegon area? Yes

Terry Money agrees with Marsha that some homes were built before zoning; NPS has already broken a contract with the State of Michigan.

2:55 p.m. Public Input Closed

Motion by Hollenbeck, seconded by Pitcher, to adjourn until July 21, 2009 at 6:00 p.m., or the call of the chair. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Waltherhouse Nays: None

Donald R. Tanner -- Chairman

Dawn Olney – Benzie County Clerk

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1. Approved the agenda as amended, adding FOIA Appeal and Thelma Ryder-Novak at 11:00.
2. Approved the regular meeting minutes of May 19, 2009 as presented.
3. Approved the special meeting minutes of June 1, 2009 as presented.
4. Approved the closed session minutes of June 9, 2009 as presented.
5. Authorized a millage levy of 3.5144 for county operations for July 2009 and adopt the L-4029.
6. Authorized the chairman to sign a Pre-application to USDA for a 10% grant to purchase an EMS Echo unit.
7. Created a Land Bank Authority for Benzie County.
8. Entered into an Intergovernmental Agreement between the Michigan Land Bank Fast Track Authority and the Benzie County Treasurer creating a Land Bank Authority, authorizing the Treasurer to sign.
9. Authorized the advertising for three at-large members to the Land Bank Authority.
10. Approved to close out the EDC Crystal Mountain grant as requested.
11. Authorized a letter of support to Allan O'Shea for the 4th Annual Energy Fair.

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12. Authorized \$507.50 to Grant Sowa along with a letter barring all future claims.
13. Approved Finance Consent Calendar items 1-14 as presented.
14. Approved the claiming report as presented in the amount of \$271,905.03.
15. Approved the prepaid bills as presented in the amount of \$347,268.12.
16. Approved the job description for the Part Time Secretary II, Planning Department as presented.
17. To have the hard drive to Mr. Clarke's computer looked over and make a decision after that; and to look at all sources to determine if the email exists.
18. A adopted the resolution to authorize Northwest Michigan Council of Governments to be the Authorized Entity to apply for the Strengthening Communities Fund on behalf of the 10-county region.
19. To explore the feasibility and concept of a Benzie County collaboration with the Bixler-Carter-Platte Wastewater Treatment Association. This would be a pilot program that might demonstrate a potential repeatable model for lakeside residents to develop alternative cost-effective solutions to waste-water treatment. Benzie County would provide assistance in obtaining grants and other finance options that would not accrue financial or legal expenditures by the County.
20. To adopt the resolution for Area Agency on Aging of Northwest Michigan FY 2012 – 2012 Multi-Year Plan as presented.