

**THE BENZIE COUNTY BOARD OF COMMISSIONERS**  
**November 10, 2009**

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

This meeting combines the two meetings of the Board of Commissioners for the month of November 2009.

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

The invocation by Commissioner Kelley followed by the pledge of allegiance.

**Agenda:** Motion by Pitcher, seconded by Roper, to approve the agenda as amended, adding opening of Ambulance Bids under Finance. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

**Minutes:**

Motion by Roper, seconded by Kelley, to approve the Committee of the Whole minutes of October 13, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Roper, seconded by Damm, to approve the regular meeting minutes of October 20, 2009 as presented. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Pitcher, to approve the special meeting minutes of October 23, 2009 as amended, correcting page 3. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Pitcher, seconded by Hollenbeck, to approve the closed session of minutes of October 23, 2009 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 October 26, 2009 as amended, correcting snow removal bid to per hour not per trip. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Kelley, to approve the special meeting minutes of October 27, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

**9:10 a.m. PUBLIC INPUT**

Ted Curran, Lake Township, Zoning & Planning issue – this is a sad time for our community; not done a good job advising the BOC on how strongly we feel about this; talks about taxpayers bill of rights; taxes to cover specific items.

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Norman Eason, Animal Welfare League, states that they are happy that Millage passed; AWL did pay over \$582 to cover newspaper costs; now that the Millage has passed, is there any way they could get the part time clerk back; 20 hours a week or less; AWL helps with a lot with expenses to the shelter. Suzanne Glynn, Frankfort, echoes Ted Curran's position; Frankfort just elected three new people that refuse to take a position regarding zoning; local paper erroneously stated their positions; this is a real tragedy.

Amy Ferris, Frankfort, the one attraction that people come for is not high pay checks, but is our quality of living; Grand Vision tells it; your move today regarding planning & zoning won't back that plan

Shauna Fite, MLU, planning and zoning discussion, when the budget was made to terminate on 12/31/09, two or three months were stated to finish it; it would be great if there was more time to work this out; you did meet with the township but they don't have good numbers; how about an extension you need to extend zoning; we need to protect our property owners.

Marcia Curran, Lake Township, plan by the BOC to end planning and terminate zoning; hard to pick up quickly; zoning is done at the local level; townships gave you the authority to do it for them; zoning can't be done by volunteers it is very irresponsible to get rid of this responsibility, will be very damaging.

Ed Hoogterp, Crystal Lake Water Shed, would prefer to retain county zoning; but failing that, there is concern about the transition; won't work with dumping it on the townships; urge you to extend time for transition; get more public input.

Peggy Case is concerned about the watershed and it crosses township lines.

Josh and Christina Stoltz, Frankfort, not educated completely on this but do know that it is a concern of our family and extended family and asks for more public input.

Mark Rosseels, EDC, rescinding of the zoning ordinance and dissolved the planning would have a detrimental effect on this county.

9:23 a.m. PUBLIC INPUT CLSOED

## **ELECTED OFFICIALS AND DEPART HEAD COMMENTS**

Craig Johnson, EMS, says they are very busy this month; H1N1 vaccinations – they have done most of the first responders; will anticipate that there will be extra for the Elected Officials and Government Center employees, they could have them done here – he will have both nasal and injections; Dispatch Advisory Board approved the Bylaws did make some changes, eliminated CFO out of there – Linda Wilson is Chief Financial Officer (they will put it back in); will look at a job description for the director; audits will go through the Treasurer; also the Sheriff will continue to manage the dispatch for up to one year to allow the Advisory Board to get up and running. They are not planning to move the dispatch center at all – it will stay in the Sheriff Office.

Motion by Walterhouse, seconded by Damm, to leave the Benzie County Dispatch in the Sheriff Dept. Motion carried. Ayes: Damm, Hollenbeck, Pitcher, Roper, Tanner and Walterhouse Nays: Kelley

Gene Mayo, Emergency Management Director, three small irons: 1) school lock downs – two required per year – will set a meeting with the superintendents; 2) Region 7 exercise –

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communication exercise; and 3) Applying for a LEPC \$1,000 grant to cover expenses of meetings – need to have a PIO named – need direction from this board.

Jamie Croel, Animal Control Officer, she has provided a report for this month (20 days) they admitted 24 dogs and 51 cats; FOIAs are up; complaints are up; 484 miles for the month; 240 telephone calls over 20 days; 301 visitors; 127 ½ hours cleaning; advisory meeting will be held today; still working with the Putney's and on the Elberta case.

Steve Fouch, MSU, says thank you to all the people that contacted their legislator; MSU will continue and there will be some restructuring, they feel MSU is heavy on administration.

Dave Neiger, Planning Director, asks if he is to run the per diem in the red for the planning commission -- \$750 will not be enough to run through December 2009

## FINANCE

Linda Wilson, County Treasurer provides the board with a report showing which funds are in the red at this point; she also provides the cash fund balance report.

### Prepaid Vouchers

Motion by Walterhouse, seconded by Pitcher, to approve the prepaid vouchers in the amount of \$333,871.11 as presented. Roll call. Motion carried. . Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

### Budget Amendments

Motion by Roper, seconded by Pitcher, to amend to 2009/10 Budget by increasing the revenue and expenditures as presented: Fund 101 General Fund

Revenues:

101-142-539.00	State Grant – Drug Court	18,531.00
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Expenditures:

101-142-800.00	Contracted Services – Drug Court	18,531.00
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Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Pitcher, seconded by Roper, to amend to 2009/10 Budget by increasing the revenues and expenditures as presented: Fund 101 General Fund

Revenues:

101-215-687.01	Refunds/Rebates – County Vehicle	3,700.00
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Expenditures:

101-215-748.00	Gas, Oil, Grease & Repairs - County Vehicle	3,700.00
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Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

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Motion by Roper, seconded by Pitcher, to set the mileage rate at 30 cents per mile for county vehicle use. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse  
Nays: None

Motion by Pitcher, seconded by Roper, Motion to adjust the 2009/10 Budget as presented:

Fund 101 General Fund

Dept: 723 Soil Erosion Control

Increase:

101-723-727.00	Office Supplies	250.00
101-723-860.00	Travel	750.00

Decrease:

101-723-703.02	Salary	1,000.00
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Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse  
Nays: None

Motion by Roper, seconded by Walterhouse, to Motion to amend to 2009/10 Budget by increasing the revenues and expenditures as presented: Fund 101 General Fund

Revenues:

101-136-539.00	State Grant – Drug Court	6,916.00
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Expenditures:

101-136-800.00	Contracted Services – Drug Court	6,916.00
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Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse  
Nays: None

Motion by Kelley, seconded by Roper, to Motion to amend to 2009/10 Budget by increasing the revenues and expenditures as presented: Fund 261 911 Emergency Service Fund

Revenues:

261-000-691.00	Budget Use of Fund Balance	10,000.00
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Expenditures:

261-325-855.00	Radio Maintenance/Equipment	3,000.00
261-325-970.00	Equipment	7,000.00

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

**Vehicle Use Policy:** Motion by Walterhouse, seconded by Pitcher, to refer the DRAFT Vehicle Use Policy to Mr. Figura following input from the Board of Commissioners. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse  
Nays: None

10:15 a.m. Break

10:25 a.m. Reconvene

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**Ambulance Bid Opening:** One bid received from Michigan First Response in the amount of \$159,355; will need to add brush guard and a new cot.

Motion by Walterhouse, seconded by Roper, to accept and enter into a contract with Michigan First Response for a new 2009 ambulance in the amount of \$159,355 as presented, authorizing Craig Johnson to work out financing. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

## PERSONNEL

Benzie-Leelanau District Health Dept Board of Appeals – still have a vacancy; Clerk will do a committee ad for the newspaper.

Frankfort City County Airport Authority audit report; Borrowing Resolution.

Motion by Roper, seconded by Walterhouse, to approve the 2010 Borrowing Resolution (2009 Delinquent Taxes) as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Point Betsie Lighthouse – Save Americas Treasures Grant:

Local match is \$225,000 and the Friends have nearly all of that in the bank; this is the official grant agreement.

Motion by Pitcher, seconded by Kelley, to accept and authorize the chairman to sign the Save Americas Treasures Grant for interior construction of the Point Betsie Lighthouse. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

10:45 a.m. Linda Wilson, Amended Apportionment Report

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

## CORRESPONDENCE

- Letter received from Thelma Rider-Novak regarding errors in the Morris Hearing; Comm Hollenbeck also feels both parties should have been represented at the closed hearing; she feels that the FCCAA will drop anything further regarding removal of Mr. Morris from the Board; she knows there is probation with Mr. Morris, but very disappointed.

A synopsis of the meeting and a letter will also be sent to MDOT.

A copy of the letter will be sent to Mr. Morris.

Ms. Rider-Novak states that she will resolve the issue – withdraws the complaint; January 2010 FCCAA will amend their bylaws to deal with members of the board, rather than come back to the Board of Commissioners.

11:00 a.m. Jay Pettitt, Chairman, Building Authority

Mr. Pettitt states that 20 years ago I got involved in a project that he thought would take six months and here 20 years later it is done; he turns over to the Chairman a deed showing that the Jail is paid off and turned over to the county.

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11:05 a.m. Break

11:10 a.m. Reconvene

Linda Wilson states that this board needs to start the process to repeal the zoning ordinance; if the townships do come in to help out financially, we can look at other options; we need to have all seven townships come on board for this to work; if there are only some of the seven, they need to notify Benzie County who they would partner with for zoning. All townships need to choose one option of the six – all must choose the same option.

Comm Pitcher states that at a minimum, to buy us time, if we rescind the zoning ordinance, there is no way the townships can be up by January 1, 2010; we have a moral obligation to help them; zoning on its own pay through fees.

If we work with townships on zoning, they are more likely to work with us on planning.

There are other things that can go away – we need a Planning Commission, not a Planning Dept.

Motion by Pitcher, seconded by Damm, to maintain County zoning with a part time zoning administrator for the remainder of FY 2010. Motion denied. Roll call. Ayes: Damm and Pitcher  
Nays: Hollenbeck, Kelley, Roper, Tanner and Walterhouse

Motion by Kelley, seconded by Roper, to adopt the Resolution Regarding the Proposed Repealing of the Benzie County Zoning Ordinance and the Planning Commission Ordinance. Roll call. Motion denied. Ayes: Kelley, Roper and Walterhouse Nays: Damm, Hollenbeck, Pitcher and Tanner

Motion by Walterhouse, seconded by Tanner, to adopt the Resolution Rescinding or Repealing the Benzie County Zoning Ordinance. Motion carried. Roll call. Ayes: Hollenbeck, Roper, Tanner and Walterhouse Nays: Damm, Kelley and Pitcher

11:55 a.m. Mike Rice, Child Care Fund

Mr. Rice states that this is a draft document at this time; no signature is required on this one; asks to approve and authorize the chair to sign.

Motion by Walterhouse, seconded by Kelley, to adopt the Child Care Fund budget for 2009-2010, authorizing the chairman to sign. Motion carried. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

12:00 p.m. Tad Peacock, Soil Conservation

Mr. Peacock requests the board approve the Conservation District placing a millage request on the ballot in August 2010. 0.05 mills for 3 years.

Motion by Roper, seconded by Pitcher, to authorize the Conservation District to place a request for millage at the August 2010 election for 0.05 mills for 3 years. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

12:20 p.m. Break for Lunch

12:50 p.m. Comm Damm Excused

1:10 p.m. Reconvene

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### CORRESPONDENCE CONTINUED

- Crystal Lake elevation report received.
- Little Platte Lake elevation report received.
- Letter from Jim MacInnes, President of Crystal Mountain Resort, thank you for adopting the Smoke Free Worksite Regulation – copy to Health Dept.
- Letter received from Dept of Energy, Labor & Economic Growth regarding Remonumentation.
- FCCAA Managers monthly report for October 2009 received.
- FCCAA Technical Advisory Committee report received.
- Letter from MSU re County/MSU Partnership.

1:15 p.m. Marlene Wood-Zylstra, Recycling Coordinator

Ms. Wood-Zylstra presents four renewal host agreements for recycling: Almira Twp, Road Commission (site and camera) and Benzie Central Schools Lake Ann Elementary Site.

Motion by Roper, seconded by Walterhouse, to approve the Memorandum of Understanding between Benzie County and Almira Township for a County Recycling Program Recycling Site, as presented.

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

Motion by Pitcher, seconded by Roper, to approve the Memorandum of Understanding between Benzie County and the Benzie County Central Board of Education for a County Recycling Program Recycling Site at Lake Ann Elementary, as presented. Roll call. Motion carried. Ayes: Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Exc: Damm

Motion by Roper, seconded by Walterhouse, to approve the Memorandum of Understanding between Benzie County and the Benzie County Road Commission for a County Recycling Program Recycling Site, as presented. Roll call. Motion carried. Ayes: Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Exc: Damm

Motion by Pitcher, seconded by Roper, to approve the Memorandum of Understanding between Benzie County and the Benzie County Road Commissioner for Provision of a Security Camera at the County Recycling Program Recycling Site, as presented. Roll call. Motion carried. Ayes: Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Exc: Damm

### CORRESPONDENCE CONTINUED

- Child Care Fund audit report received.
- Letter from Community Foundation to Railroad Point with 3<sup>rd</sup> Quarter Fund Statement.
- Solid Waste Advisory Committee minutes of October 7, 2009 received.
- Dept Head meeting notes of October 22, 2009 received.
- Letter from Tammy Lundeen regarding flowers in the front of the Government Center.  
Motion by Walterhouse, seconded by Roper, to authorize Tammy Lundeen to do the plantings at the Government Center for two additional years with a budget between \$300 and \$500 per

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year, with a letter to be sent authorizing the chairman to sign. Motion carried. Ayes: Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Exc: Damm

- Bill received from AAI for design work at the Building Dept. Motion by Walterhouse, seconded by Kelley, to authorize payment of \$650.00 to AAI from the building department operations budget. Roll call. Motion carried. Ayes: Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: Roper Exc: Damm
- Letter to be sent to all departments that any remodeling plan of the offices at the Government Center, Jail, EMS or Animal Control needs to go through the Board of Commissioners prior to anything being authorized.
- Letter from the Road Commission regarding Asset Management meeting on December 16, 2009 5:30 to 8:30 p.m.
- Animal Control Report for 10/15 to 11/5/2009 received.
- MMRMA notice of vacancy on Events Planning Committee received.
- Letter received from Robert F. Smith regarding Airport Authority issues.
- Letter received from Platte Township regarding Planning & Zoning Issues.
- Notice of possible settlement of the Griffen vs Benzie County ZBA case 09-8620-CE.
- Oakland County resolution re Federal E-Verify – information only.
- Information from ADP – payroll, HR. A time clock will be installed at the Sheriff Dept; all other employees would sign in through a PC; ADP does not enter into contracts; we can get out at any time if we are not happy; we would be out our start up cost of \$2,150; payroll is every two weeks; takes too much time; this company would handle all reporting; W-2 would be an additional cost at the end of the year; employees would enter and update their own data; scheduling could be done.

Motion by Kelley, seconded by Hollenbeck, to authorize transferring payroll/HR to ADP for one year, with payment to come from the budget appropriated from the Administrator budget. Roll call. Motion carried. Ayes: Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Exc: Damm

Job descriptions were handed out for the Administrator position from Antrim, Clare, Eaton, Manistee, Benzie Counties, together with a copy of the Leelanau contract. The board of commissioners will review and suggest changes in the description.

## COMMISSIONER REPORTS

Comm Kelley provided a written report.

Comm Pitcher has nothing additional.

Comm Hollenbeck states that at the HR meeting discussion was held regarding the lower level having a panic button installed; matrix to be sent to all employees.

2:37 p.m. PUBLIC INPUT – None

Motion by Roper, seconded by Kelley, to adjourn until December 15, 2009, or the call of the chair. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

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Donald R. Tanner -- Chairman

Dawn Olney – Benzie County Clerk

### INDEX

1. Approved the agenda as amended.
2. Approved the Committee of the Whole minutes of October 13, 2009 as presented.
3. Approved the regular meeting minutes of October 20, 2009 as presented.
4. Approved the special meeting minutes of October 23, 2009 as amended, correcting page 3.
5. Approved the closed session of minutes of October 23, 2009 as presented.
6. Approved the special meeting minutes of October 26, 2009 as amended, correcting snow removal bid to per hour not per trip.
7. Approved the special meeting minutes of October 27, 2009 as presented.
8. Authorized to leave the Benzie County Dispatch in the Sheriff Dept.
9. Approved the prepaid vouchers in the amount of \$333,871.11 as presented.
10. Approved various amendments to the 2009/10 Budget by increasing the revenue and expenditures as
11. presented.
12. Approved to set the mileage rate at 30 cents per mile for county vehicle use.
13. Referred the DRAFT Vehicle Use Policy to Mr. Figure following input from the Board of Commissioners.
14. Accepted and enter into a contract with Michigan First Response for a new 2009 ambulance in the amount of \$159,355 as presented, authorizing Craig Johnson to work out financing.
15. Approved the 2010 Borrowing Resolution (2009 Delinquent Taxes) as presented.
16. Accepted and authorized the chairman to sign the Save Americas Treasures Grant for interior construction of the Point Betsie Lighthouse.
17. Approved the amended Apportionment Report as presented.

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18. Deed presented to the Chairman for the Jail Building – Now paid off.
19. Denied a motion to maintain County zoning with a part time zoning administrator for the remainder of FY 2010.
20. Denied a motion to adopt the Resolution Regarding the Proposed Repealing of the Benzie County Zoning Ordinance and the Planning Commission Ordinance.
21. Adopted the Resolution Rescinding or Repealing the Benzie County Zoning Ordinance.
22. Adopted the Child Care Fund budget for 2009-2010, authorizing the chairman to sign.
23. Authorized the Conservation District to place a request for Millage at the August 2010 election for 0.05 mills for 3 years.
24. Approved the Memo of Understanding between Benzie County and Almira Township for a County Recycling Program Recycling Site, as presented.
25. Approved the Memorandum of Understanding between Benzie County and the Benzie County Central Board of Education for a County Recycling Program Recycling Site at Lake Ann Elementary, as presented.
26. Approved the Memorandum of Understanding between Benzie County and the Benzie County Road Commission for a County Recycling Program Recycling Site, as presented.
27. Approved the Memorandum of Understanding between Benzie County and the Benzie County Road Commissioner for Provision of a Security Camera at the County Recycling Program Recycling Site, as presented.
28. Authorized a letter be sent to Tammy Lundeen regarding flowers in the front of the Government Center.
29. Authorized payment of \$650.00 to AAI from the building department operations budget.
30. Authorized transferring payroll/HR to ADP for one year, with payment to come from the budget appropriated from the Administrator budget.