

THE BENZIE COUNTY BOARD OF COMMISSIONERS
December 15, 2009

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, December 15, 2009, in the Commissioners Room, Government Center, Beulah, Michigan, 49617.

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

Absent: None

Excused: Pitcher

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

Agenda:

Motion by Roper, seconded by Hollenbeck, to approve the agenda as amended, adding Joan Cramer at 11:30; under Finance Report, include Fee Committee and Mr. Figura at 9:30a.m. Motion carried.

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

Minutes:

Motion by Roper, seconded by Kelley, to approve the regular minutes of November 10, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse

Nays: None Exc: Pitcher

Motion by Walterhouse, seconded by Damm, to approve the special meeting minutes of December 14, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None

9:07 a.m. PUBLIC INPUT

Marcia Stobie, reads a letter to the board regarding Planning & Zoning issues and the big one being funding; you need to look at resetting the tax rate.

Susan Breuer asks what happened last night? Yesterday there was a meeting that set funding for a limited planning and zoning department and work toward resolution with the townships.

Eric VanDussen asked when the special meeting was noticed. Added to the agenda of yesterday.

9:12 a.m. PUBLIC INPUT CLOSED

ELECTED OFFICIALS & DEPT HEAD COMMENTS

Tom Longanbach, Equalization Director, reinstatement to the allocated Millage is that if it is voted on after April 1, will be effective the following year; shuffle between union employees, wish you would put it off until April 1.

Comm Walterhouse says there are three millages of for renewal next year.

Linda Wilson, County Treasurer, says she doesn't know how you will get it across to the people, they want only special millages.

Comm Roper says that when he attended some commissioner trainings, there are some counties that have 12 or 13 difference millages rather than just one larger one.

Sheriff Heckman says he needs the snowmobile grant contract signed; along with the Marine Safety Grant by the end of the month.

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FINANCE COMMITTEE

Prepaid: Motion by Walterhouse, seconded by Damm, to approve the prepaid bills in the total amount of \$1,348,152.26 as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Committee of the Whole:

Comm Walterhouse removes item 10.

Motion by Walterhouse, seconded by Roper, to approve Finance Consent Calendar items 1-9 and 11-14 as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

#10: Motion by Walterhouse, seconded by Roper, to enter into a three year contract with AT&T for the Centrex Phone system as presented, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Fee Committee:

Motion by Walterhouse, seconded by Damm, to adopt the Animal Control fee increase effective January 1, 2010, to increase office charge of \$3.00 for cardboard cat crates and \$1.00 for slip leashes as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Motion by Walterhouse, seconded by Hollenbeck, that the mileage rate for EMS be increased equal to the rate paid by Medicare and Medicaid rate and adjust our rates when they increase theirs; with the EMS Director to notify the board of commissioners of any increase when it happens, effective January 1, 2010. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Motion by Walterhouse, seconded by Damm, to increase the Equalization fees as recommended by the fee committee as presented, effective January 1, 2010. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Motion by Walterhouse, seconded by Hollenbeck, to accept the fee committee recommendation to increase the fees for Planning and Zoning as presented, effective January 1, 2010. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Roper, Tanner and Walterhouse Nays: Kelley Exc: Pitcher

Motion by Walterhouse, seconded by Kelley, to increase the building department fees by 20% as recommended by the fee committee, effective January 1, 2010. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

10:06 a.m. Break

10:15 a.m. Reconvene

Richard Figura discusses to matters: letter from Atty Bregman regarding the Tom Whale issue and Cole vs Benzie County; has reviewed the law and listened to the tape from the March 2009 meeting;

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there is a lot more freedom to the public; Ms. Tucker spoke as an citizen, not as an employee; she also spoke during the public comment period; he is satisfied that there is no liability on the part of the county in this matter; asks to authorize him to respond to Deputy Whale's attorney; they may have a claim against her personally, but not the county.

Motion by Roper, seconded by Hollenbeck, to authorize Mr. Figura to respond to Attorney Bregman regarding no liability with no responsibility on the county. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Motion by Roper, seconded by Hollenbeck, to enter closed session to consult with its attorney regarding trial or settlement strategy in connection with Cole vs Benzie County et al, Circuit Court case number 09-8496-CZ, because discussing settlement strategy in open session would broadcast our settlement strategy and have a detrimental financial effect. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

10:25 a.m. Enter Closed Session

11:12 a.m. Re-enter Open Session

Motion by Walterhouse, seconded by Kelley, to allow the negotiation team and Mr. Figura up to \$4,000 to have an appraisal of the property involved in the Cole lawsuit. Roll call. Motion carried. Ayes: Kelley, Roper, Tanner and Walterhouse Nays: Damm and Hollenbeck Exc: Pitcher

11:15 a.m. Norman Campbell, EDC Report

Norm introduces Troy Terwilliger who will be taking over as chairman of EDC and he also serves on the Traverse Bay EDC; updated Strategic Plan; close two large deals; successful luncheon at Crystal Mountain.

11:17 a.m. Cathy Odom & Katie Bedard, NMCAA

They presented a power point of the CDBG program and applicants that have been completed; this is a different program than the Housing Council; Maximum loan is \$35,000 to each applicant; this is a loan with a lien on the property to be paid back when sold; when paid office, the funds are kept in the county to help other home owners; over the 12 years we have had 75 homes have been repaid and over \$1 million has been spent; three homes have been lost to foreclosure; asks for adoption of changes to the mortgage form which has been approved with change by the Prosecuting Attorney with the change being that the committee could pay for taxes and insurance to help the applicant to keep from being foreclosed on with program income money being used.

Motion by Walterhouse, seconded by Hollenbeck, to adopt the borrowers agreement to the mortgage agreement for the Benzie Housing Committee, as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

11:40 a.m. Joan Cramer & Betty Cramer, Council on Aging Issues

Betty read from a prepared letter and states that she has observed the meetings of the Council on Aging and the Executive Director runs the meetings and gives the financial report – not the treasurer.

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Joan also read from her prepared statement regarding the Council on Aging; former employee and observed several things that were improper; COA is deteriorating; time that the commissioners take control again. \$731,000 is millage money for this year; Who owns the buildings: lien on current building is \$150,000 lien on Gathering Place; county owns the administration building; Who are the Executive Director and Board accountable to? To the Board of Commissioners – we dictate where the money goes; the county contracts with the Council on Aging for services; what date is the bidding process open for services? Comm Walterhouse says September 30, 2010 – when the contract is done.

12:00 p.m. Neil Assante, Community Corrections

Manistee & Benzie Counties Community Corrections director; seven county region NMCOG; state has decided to split to individual counties; Need Manistee & Benzie BOC to approve community corrections.

Motion by Walterhouse, seconded by Kelley, to adopt the resolution to create the Manistee Benzie Community Correction Advisory Board as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Motion by Tanner, seconded by Walterhouse, to authorize Commissioner Tom Kelley to remain on the Community Correction Board until December 31, 2010. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

12:07 p.m. Break for Christmas Luncheon with Employees

1:17 p.m. Reconvene

Linda Wilson presents a Power Point regarding the 669 Property and Land Reutilization; on what has been completed out to the property; the project has been put to rest for the winter and will get working on it again in the spring of 2010; worked with American Waste and Huffman Rubber and it was a very good working relationship; inmates also helped work with some of the work out there.

Assistant Animal Control Officer attended school out of state of which the Animal Welfare League paid for; he is requesting wages for that period of time.

Motion by Walterhouse, seconded by Damm, to authorize payment of 40 hours of wages for one week for the period December 7-11, 2009 while attending school to Edwin Carter. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None

Motion by Roper, seconded by Kelley, that the Chairman put together a letter to department heads and elected officials that any out-of-state travel needs prior approval from the Board of Commissioners. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Motion by Roper, seconded by Walterhouse, approve the Marine Safety Program Grant Application in the amount of \$113,700 for 2010, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

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Comm Walterhouse talks about two employees being laid off 12/31/09; need a policy regarding return of items; keys and anything he has from this building; files; will the Sheriff help us do a check list for when someone leaves; fob will need to be deactivated.

Motion by Roper, seconded by Walterhouse, to reaffirm with two employees, by letter, of items to be turned in when an employee leaves employment. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Motion by Roper, seconded by Walterhouse, to adopt the snowmobile budget as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Personnel

Parks & Recreation Committee: Motion by Walterhouse, seconded by Kelley, to reappoint Charles Kehr to the Parks & Recreation Commission for a three year period, to expire December 31, 2012. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Parks & Recreation Recording Secretary: Motion by Roper, seconded by Walterhouse, to hire a recording secretary for the Parks & Recreation Commission with the existing budget at \$50.00 per meeting. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Letter to Pat Spidell: Motion by Walterhouse, seconded by Kelley, to adopt the letter to Pat Spidell regarding TPOAM union regarding lay off and pumping, authorizing the chairman to sign. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Comm Roper informs the board that the maintenance person gets up early to snowplow and he has been given permission to leave at 12:30 p.m. if he is all caught up so as not to incur overtime; if not, he is to let Comm Roper know; Rick Morris will email the Clerk and let her know when he leaves.

Motion by Roper, seconded by Hollenbeck, to adopt the Vehicle Use policy for all county-owned vehicles as amended, with a signature line to be added for employees to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

CORRESPONDENCE

- Lake County resolutions 1213 and 1214 – information only.
- Antrim County resolution 03-09 – information only.
- Alger County resolutions 2009-25; 2009-26; 2009-27; 2009-28 and 2009-29 – information only.
- Allegan County resolutions -- 3 – information only.
- Betsie Valley Library report for October 2009 received.

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- Betsie Valley Library minutes of October 4, 2009 received.
- Frankfort City-County Airport Authority minutes of October 1 and November 5, 2009 received.
- Road Commission minutes of September 29, October 8 and 22, 2009 received.
- Parks & Recreation Mission Statement.
- Parks & Recreation minutes from October 26 and November 9, 2009 received.
- Dept Head meeting minutes from November 19, 2009 received.
- Benzie-Leelanau Health Dept minutes of December 3, 2009 received.

2:43 p.m. Comm Damm Excused

- Michigan Northern Counties Assoc minutes of October 19, 2009 received.
- Frankfort Memorial Airport Managers report for November 2009 received.
- Request from NMC to participate in Career Fair on March 10, 2010 – information only.
- MSU letter regarding restructuring of MSU Extension.
- Animal Control report for 11/6 to 12/4/09 received.
- NMSAS minutes of August 31, 2009 received.
- NMSAS schedule of meetings for 2010 received.
- MAC dividend notice received.
- Donation requests received from: Mercy Hospital Cadillac, Interlochen Center for the Arts, Munson Healthcare; Betsie River River Care Project.
- Building Dept report for October and November 2009 received.
- Road Commission Asset Management Meeting set for December 16, 2009 at 6:00 p.m. at Homestead Township Hall

Discussion held regarding hours of operation of the building department office.

Motion by Kelley, seconded by Walterhouse, to authorize a letter, with the full board to sign, to the building department that the office be open five days per week with permanent posted hours; the office is to be open at least four (4) hours per day – 8:00 a.m. to 12:00 p.m. with inspections to be done in the afternoons; if there are no inspections, the office is to be open all day. Motion carried. Ayes: Hollenbeck, Kelley and Walterhouse Nays: Roper and Tanner Exc: Damm and Pitcher

- Request for renewal dues from Grand Traverse Chamber of Commerce.
- Letter from Attorney Roy regarding Crystal Lake boat ramp.

Motion by Walterhouse, seconded by Roper, to review the minutes of December 14, 2009 to remove the statement regarding ORV. Motion carried. Ayes: Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Damm and Pitcher

Motion by Kelley, seconded by Walterhouse, to rescind the motion on the building department office hours. Motion carried. Ayes: Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Damm and Pitcher

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Motion by Roper, seconded by Hollenbeck, due to public input, we are asking that the hours for the building department be posted in advance to allow the people (public) to know when the office is open; hours need to be posted in a timely manner with a copy of the posted hours to the Board of Commissioners. Motion carried. Ayes: Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Damm and Pitcher

COMMISSIONER REPORTS

Comm Roper says the first year of the ORV program has run its course; will do a mid-winter evaluation with the townships, law enforcement, etc.; local ORV association would like to put a new map out April 1, 2010.

SPECIAL MEETING REGARDING ORV SET FOR JANUARY 20, 2010 AT 7:00 P.M.

Comm Roper states that the Benzie Housing Council voted last evening to close their doors; they will liquidate their assets and see where they are at; hopefully nothing will get turned back in to the bank.

Comm Kelley we will wait and see what happens with the Council on Aging issues.

Comm Walterhouse says the gentleman that does the planning & zoning for Homestead & Inland townships may be interested in contracting with the county; he gets \$1,000 per month total to do those townships; 35 years in the business; change the Road Commissioner appointment to elected position; the public needs to vote on the members.

Motion by Walterhouse, seconded by Hollenbeck, to adopt the Resolution to Elect County Road Commissioners, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Hollenbeck, Kelley, Tanner and Walterhouse Nays: Roper Exc: Damm and Pitcher

Comm Hollenbeck states that last week The Maples interviewed three people for the position held currently by Doug Lapham; information is now turned over to the State and they will make the appointment.

Chairman Tanner has nothing additional.

3:50 p.m. PUBLIC INPUT

Rose Coleman says Merry Christmas.

Motion by Hollenbeck, seconded by Kelley, to adjourn until January 5, 2010, or the call of the chair. Motion carried. Ayes: Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Damm and Pitcher

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1. Approved the agenda as amended.
2. Approved the regular minutes of November 10, 2009 as presented.
3. Approved the special meeting minutes of December 14, 2009 as presented.
4. Approved the prepaid bills in the total amount of \$1,348,152.26 as presented.
5. Approved Finance Consent Calendar items 1-9 and 11-14 as presented.
6. Approved to enter into a three year contract with AT&T for the Centrex Phone system as presented, authorizing the chairman to sign.
7. Authorized to adopt the Animal Control fee increase effective January 1, 2010, to increase office charge of \$3.00 for cardboard cat crates and \$1.00 for slip leashes as presented.
8. Authorized that the mileage rate for EMS be increased equal to the rate paid by Medicare and Medicaid rate and adjust our rates when they increase theirs; with the EMS Director to notify the board of commissioners of any increase when it happens, effective January 1, 2010.
9. Authorized to increase the Equalization fees as recommended by the fee committee as presented, effective January 1, 2010.
10. Accepted the fee committee recommendation to increase the fees for Planning and Zoning as presented, effective January 1, 2010.
11. Authorized to increase the building department fees by 20% as recommended by the fee committee, effective January 1, 2010.
12. Authorize Mr. Figura to respond to Attorney Bregman regarding no liability with no responsibility on the county with regard to the Whale matter.
13. Authorized to enter closed session.
14. Authorized the negotiation team and Mr. Figura up to \$4,000 to have an appraisal of the property involved in the Cole lawsuit.
15. Adopted the borrower's agreement to the mortgage agreement for the Benzie Housing Committee, as presented.

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16. Adopted the resolution to create the Manistee Benzie Community Correction Advisory Board as presented.
17. Authorized Commissioner Tom Kelley to remain on the Community Correction Board until December 31, 2010.
18. Authorized payment of 40 hours of wages for one week for the period December 7-11, 2009 while attending school to Edwin Carter.
19. Approved that the Chairman put together a letter to department heads and elected officials that any out-of-state travel needs prior approval from the Board of Commissioners.
20. Approved the Marine Safety Program Grant Application in the amount of \$113,700 for 2010, authorizing the chairman to sign.
21. Approved to reaffirm with two employees, by letter, of items to be turned in when an employee leaves employment.
22. Adopted the snowmobile budget as presented.
23. Reappointed Charles Kehr to the Parks & Recreation Commission for a three year period, to expire December 31, 2012.
24. Approved to hire a recording secretary for the Parks & Recreation Commission with the existing budget at \$50.00 per meeting.
25. Adopted the letter to Pat Spidell regarding TPOAM union regarding lay off and pumping, authorizing the chairman to sign.
26. Adopted the Vehicle Use policy for all county-owned vehicles as amended, with a signature line to be added for employees to sign.
27. Amended the minutes of December 14, 2009 to remove the statement regarding ORV.
28. Authorized letter to the building dept: Due to public input, we are asking that the hours for the building department be posted in advance to allow the people (public) to know when the office is open; hours need to be posted in a timely manner with a copy of the posted hours to the Board of Commissioners.
29. Adopted the Resolution to Elect County Road Commissioners, authorizing the chairman to sign.