

**THE BENZIE COUNTY BOARD OF COMMISSIONERS**  
**January 19, 2010**

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, January 19, 2010, at 6:00 p.m. 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.

**Agenda:**

Motion by Walterhouse, seconded by Pitcher, to approve the agenda as amended, adding possible closed session; adoption of Board Rules & Commissioner Appointments; discussion of evening meeting dates and times with commissioner conflict; Personnel – committee appointments; Technology Committee; Letter from Union president regarding Building Dept. Motion carried.  
Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

**Minutes:**

Motion by Walterhouse, seconded by Kelley, to approve the Committee of the Whole minutes of December 8, 2009 and regular meeting of December 15, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Pitcher, seconded by Roper, to approve the organizational minutes of January 5, 2010 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Hollenbeck, to approve the minutes of the special meeting of January 12, 2010 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Pitcher, seconded by Roper, to approve the closed session minutes of December 15, 2009 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

**6:10 p.m. PUBLIC INPUT**

Eric VanDussen, has an opinion been received from the attorney regarding bumping issue; is it labor law or labor practices that prevent Ms. Merrill from bumping into maintenance, needs to be discussed.

**6:11 p.m. PUBLIC INPUT CLOSED**

**DEPARTMENT HEAD & ELECTED OFFICIAL REPORTS**

Marlene Wood-Zylstra, Recycling Coordinator, styrofoam collection held – very well received; Mary Pitcher and she employed Packaging Corp of America and they will allow us to have a four cardboard bin in Benzie County; PCA has brought over \$15,000 into Benzie County; did have quarterly SWAC meeting and discussed directions to go in 2010; new battery law in 2010 – she will get information to us.

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### **FINANCE**

Motion by Walterhouse, seconded by Roper, to approve the prepaid bills in the amount of \$1,474,454.98 as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Linda Wilson, County Treasurer, presents the cash fund balance report; three funds are in a deficit at this time; there will be state cuts in revenue sharing and we will be short \$13,477.00 based on what we budgeted; Swamp tax was also cut and we will be short \$6,896.00; Commercial Forest will also be short \$304.31; recommends purchasing 50 hour block of time from Wyant Computers at this time – Comm Hollenbeck also recommends to put out for bids.

Motion by Hollenbeck, seconded by Pitcher, to have the technology committee research the cost of computer services and to seek other bids and present cost of same to the Board of Commissioners. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Pitcher, seconded by Roper, to purchase a 50 hour block of time at \$110.00 per hour from Wyant Computer Services. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Government Center Waste Recycling Services: the contract for waste recycling is coming up; the bills aren't matching the contract; no communication with Allied Waste and Benzie County; would like to work on it; need to terminate a contract 60 days prior to the end of the contract;

Motion by Kelley, seconded by Roper, to terminate the Allied Waste contract for waste and recycling and put out for bids. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Ceiling Repairs: Comm Roper states that the ceiling in courtroom 2 needs repair; Rick knows a local drywall person and has talked with him; about \$800 cost.

Motion by Roper, seconded by Damm, to move forward and repair the ceiling in courtroom 2. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Pitcher, Roper, Tanner and Walterhouse Nays: Kelley

### **PERSONNEL**

Motion by Pitcher, seconded by Kelley, to reappoint Dr. Richard Nielson to the Benzie Leelanau Health Department Board for a two year term ending December 31, 2011. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Roper, seconded by Pitcher, to reappoint Cathy Demitroff to the Parks and Recreation Commission for a three year term to expire on December 31, 2012. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

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Motion by Pitcher, seconded by Roper, to reappoint Ronald Beyette and Myra Elias to the Solid Waste Advisory Board for a three-year term expiring December 31, 2012. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Roper, to reappoint Bruce Andersen to the Benzie Housing Committee for a five-year term, expiring January 1, 2014. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Pitcher, to reappoint Art Jeannot to the Workforce Development Board for a two-year term expiring December 31, 2011. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Roper, seconded by Tanner, to accept the Planning Department annual permitting report and file in the County Clerk's Office. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

## CORRESPONDENCE

- Motion by Pitcher, seconded by Walterhouse, to enter into a contract with Lucinda Geiser, MSN, FNP, for medical services at the Benzie County Sheriff's Office expiring September 30, 2010, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None
- Motion by Pitcher, seconded by Roper, to enter into a contract with Kristine Carole Johnson, RN, for medical services at the Benzie County Sheriff's Office expiring September 30, 2010, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None
- Memo from Dave Neiger regarding the need for a resolution regarding the Parks & Recreation Master Plan. Motion by Roper, seconded by Hollenbeck, to adopt the resolution for the Recreation and Cultural Plan as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None
- Letter from Pete Bruski regarding part time clerical support; Comm Tanner states that we do need a staff person to cover building/planning/soil erosion/ parks and recreation; some duties would be limited; but we need a budget for it; Comm Hollenbeck says a full time secretary could handle all of those things.  
Comm Hollenbeck says it is time to replace the building department head; open up some of the money we save to be used to distribute to other departments as needed; she received so many calls in her area – complaints with that department.
- Chairman Tanner will coordinate with Mr. Bruski as to how to get messages to him regarding soil erosion.
- Notification of change of counsel in Crystal Lake & Watershed vs DEQ – information only.
- Discussion regarding planning and zoning and what services the county will provide for the amount of money that the seven townships would provide; legal fees and fringe benefits were not provided for in any of the options; if Joyfield Twp does not continue, that will change the equation for everyone else; zoning administration only, not planning.

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7:30 p.m. Mike Rice, Juvenile Officer

Mr. Rice presents an amendment the general fund budget; he asks the county to appropriate \$4,000 into line 101-142-957.40 for the cost of the survey done by Maximus – Linda Wilson says it would have to come from contingency; other pages of the budget have been approved before.

Motion by Pitcher, seconded by Hollenbeck, to authorize a maximum of \$4,000 transferred from contingency to line 101-142-957.40. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

7:45 p.m. Break

7:55 p.m. Reconvene

7:55 p.m. Larry Morris, Member FCCAA

FCCAA has opened the door to revising the bylaws – monthly or less and membership rules; if the county had concern about the representation, you need to look at it; BOC should make recommendation to the FCCAA regarding membership; Intra-county authority – if we go in default, the entitled (Crystal Lake, Frankfort and the County) would be liable; if you want to see any changes, you need to have recommendations from the Board to the FCCAA.

Bruce Harwood, Chairman of the FCCAA, the only problem I have is the liability issue; consultant made serious errors; a lot of manipulation being done here; scope of work being done with MDOT; no talk about becoming defunct; first I heard of it was when Mr. Smith brought it up; cooperating with MDOT; over \$20,000 damages with the Morris/Whitman lawsuit.

8:00 p.m. Deb Sever, COA Annual Report

Ms. Sever presents a power point of services that the COA provides to the seniors of Benzie County.

8:37 p.m. Troy Lamerson, Sheriff Office

Gym equipment: most of the equipment has been purchased by the employees themselves; MSP and Government Center employees also use the equipment; a gym in Traverse City contacted them to purchase two pieces of equipment; asks the county to pay for the equipment -- \$325.00; perhaps add to the union contract the purchase of equipment.

Motion by Kelley, seconded by Pitcher, to reimburse \$325.00 to the Sheriff credit card for purchase of gym equipment from contingency. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Leave of Absence: Troy has been contacted to work for a private contractor to go to Afghanistan and train their officers and border patrol; union contract 15.1 and 15.2 spells out personal leave; he is the lead investigator on the current murder trial and will return to Benzie County for those purposes; asks for a Letter of Understanding so that he will not draw unemployment – he doesn't want to do that; they are doing checks on him now; will go to North Carolina for five days of training; Sheriff has already started the process to obtain a hiring list and be ready to hire someone soon after he leaves

Motion by Kelley, seconded by Pitcher, to approve a Leave of Absence contingent on approval of the Sheriff for a period of one year or more; that the current budget will not be altered so that the Sheriff

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can hire a replacement deputy; and Mr. Lamerson will not draw unemployment. Motion carried.

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

### CORRESPONDENCE CONTINUED

- CDBG monitoring audit: Motion by Walterhouse, seconded by Hollenbeck, to adopt the Fair Housing Resolution as presented, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None
- Motion by Walterhouse, seconded by Roper, to authorize a response letter to MSHDA regarding monitoring visit, authorizing the chairman to sign. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None
- Remonumentation 2008 completion letter from Dept of Labor & Economic Growth.
- NMCOG letter with award received regarding 2009 Excellence in Regional Transportation (will be hung in the Commissioner Room).
- Bay County resolution regarding ban use of fertilizers – information only.
- Mackinac County resolution re snowmobile advisory committee. Motion by Roper, seconded by Kelley, to adopt the resolution as presented, sending to MAC, Representative Scripps, Senator McManus, Governor Granholm and Rebecca Humphries, MDNRE, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: Pitcher
- Barry County resolution regarding Election Management – information only.
- NMSAS resolution regarding implementation of substance abuse. Motion by Kelley, seconded by Roper, to adopt the resolution Urging Implementation of the State Substance Abuse Treatment and Prevention Allocation Formula as presented, authorizing the chairman to sign. Roll call. Motion carried. Aye: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: Pitcher
- Gratiot and Oakland County resolutions regarding State Mandated Services. Motion by Roper, seconded by Pitcher, to adopt the Oakland County resolution In Support of the Final Report of the Legislative Commission on Statutory Mandates as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None
- Frankfort City County Airport Authority 2010 meeting dates and times.
- Frankfort Airport Managers monthly report for December 2009 received.
- Frankfort City County Airport Authority minutes of December 3, 2009 received.
- EMS Advisory Committee minutes of September 22, 2009 received.
- Michigan Northern Counties Assoc agenda for January 18, 2010 and minutes of December 7, 2009 received.
- Benzie Transportation Authority minutes of December 15, 2009 and January 12, 2010 received; will be look at an August 2010 election for renewal.
- Information received from Benzie Conservation District to cover this issue on February 2, 2010.
- Animal Control report for December 5, 2009 to January 15, 2010 received.
- Oceana County resolution regarding mandates – information.

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- Letter received from State of Michigan Dept of Human Services regarding Child Care Funding – accepted as presented.

### BOARD RULES

Tuesday evening meetings conflict with City of Frankfort Council meetings; discussion held and no change made at this time; 911 is advisory now; Kris Hollenbeck feels that someone that is a business owner should sit on the Chamber of Commerce; Animal Control is Advisory Board; Benzie Housing Council does not exist any longer; removed any reference to Committee of the Whole; approval of bills, no longer prepaid.

Motion by Walterhouse, seconded by Pitcher, to adopt the Board Rules as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

### COMMITTEE APPOINTMENTS

Comm Hollenbeck says she feels that the Chamber would be better served if a commissioner that was a business owner is on the chamber board; Pitcher will serve, along with Hollenbeck as the alternate to the Chamber; Pitcher to the Planning; Pitcher to the Conservation District and Damm as alternate; add Road Commission meetings; Animal Welfare League Advisory – Damm with Walterhouse as alternate.

Motion by Walterhouse, seconded by Roper, to adopt the commissioner committee appointments as amended. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Hollenbeck, to authorize the letter to Blue Cross Blue Shield as presented, authorizing Cadillac Insurance as our business associated for renewal information and/or reports. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

10:00 p.m. Break

10:05 p.m. Reconvene

Letter from the attorney about the bumping process; letter is attorney/client privilege – not for publication; may need to go into a closed session to discuss it.

### 10:07 p.m. Public Input

Bruce Harwood asks that the Board of Commissioners be leery of attempts to divide the communities; it was suggested that you have only one person that represents the county – you have seven people on the board that represent the county; the county comes first; he finds it an insult that someone says I don't represent the county; in the future understand my commitment – I believe that the county comes first; stop this continuously being aggravating to each other.

Eric VanDussen you may be entitled to go into closed session to discuss this letter – that is your choice – you don't have to go into closed session; the public paid for this attorney and you should discuss it openly; not necessary to go into closed session; no discussion ever heard about

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commissioners getting in their packet, the information regarding HIPPA laws and Deputy Whales complaint – are you aware of that request.

Larry Morris glad to see the county taking action with Maximus to find different areas to fund areas – you should continue that effort; good work.

Margaret Chalmers this situation is a mess; speaks on those that can't speak for themselves – the Animal Welfare League; one ACO left – she will work every day; the dogs and cats will suffer because of this; AWL has always had a good relationship with the county.

**10:13 p.m. Public Input Closed**

The letter is marked attorney/client privilege; elements of the letter that would not be detrimental to discuss; take a few minutes and look at it then decide as a group if you want to discuss it; a proposed motion and law are provided if you chose to go into a closed session.

You asked that Tom and Don pose some questions the attorney – all of that is covered in the letter; a lot of information in the letter; not sure how discussion of any of this would harm the county; union contracts and job descriptions are tied together; important for the employees here, have given it a lot of attention; we do not have all of the answers yet – it is very complicated circumstances; Mr. Stoker and Mr. Spidell have communicated; no requirement to make a decision today; Comm Pitcher and Damm are satisfied with the letter providing additional information to them; requirement for more work on the commissioners part and the union; there are flaws in the union contract that need help.

Carol Merrill says she has been in contact with Spidell and he will not talk with anyone from the county without one of them present; there are 20 calendar days to qualify for the jobs

Comm Roper says we need Stoker and Spidell, with Labor Sub Committee and local union to look at opening the contract and go back in and look at certain areas.

Comm Damm says we need to solve the issue immediately – the animals need to be cared for.

Comm Tanner says the union contract should represent the workers. Next thing is, Eric will want a copy of it. Don't release the letter until the union sees it and discusses it.

Carol is willing to take a couple of weeks of lay off and allow Ed to come back to help Jamie out too; he is not qualified either.

Motion by Roper, seconded by Hollenbeck, to put together a meeting with Chairman Tanner, Comm Kelley and Walterhouse with the union and Mr. Stoker and Mr. Spidell, post haste. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Chairman Tanner states regarding the Council on Aging issue: The Council operating under the OMA; Tom is taking some heat this issue expressing that the council comply with OMA; their attorney says they are exempt; Catherine Wolfe has contact Mr. Figura but he has not been retained by the county to represent them regarding this issue; we should support Tom on this; Item 12 of the contract lists all code and federal regulations the Council on Aging is to follow and OMA is listed. Do we want to have Dick Figura respond to Catherine Wolfe? Yes

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Motion by Pitcher, seconded by Hollenbeck, to adjourn until February 2, 2010, 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 December 8, 2009 and regular meeting of December 15, 2009 as presented.
3. Approved the organizational minutes of January 5, 2010 as presented.
4. Approved the minutes of the special meeting of January 12, 2010 as presented.
5. Approved the closed session minutes of December 15, 2009 as presented.
6. Approved the prepaid bills in the amount of \$1,474,454.98 as presented.
7. Approved to have the technology committee research the cost of computer services.
8. Approved to purchase a 50 hour block of time at \$110.00 per hour from Wyant Computer Services.
9. Authorized to terminate the Allied Waste contract for waste and recycling; put out for bids.
10. Authorized to move forward and repair the ceiling in courtroom 2.
11. Reappointed Dr. Richard Nielson to the Benzie Leelanau Health Dept Bd for 2 year term ending December 31, 2011.
12. Reappointed Cathy Demitroff to the Parks and Rec Comm for 3 year term to expire on December 31, 2012.
13. Reappointed Ronald Beyette and Myra Elias to the Solid Waste Advisory Board for a three-year term expiring December 31, 2012.
14. Reappointed Bruce Andersen to the Benzie Housing Committee for 5 years, expiring Jan 1, 2014.
15. Reappointed Art Jeannot to the Workforce Development Bd for 2 years expiring Dec 31, 2011.

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16. Accepted the Planning Dept annual permitting report and file in the County Clerk's Office.
17. Approved to enter into a contract with Lucinda Geiser, MSN, FNP, for medical services at the Benzie County Sheriff's Office expiring September 30, 2010, auth the chairman to sign.
18. Approved to enter into a contract with Kristine Carole Johnson, RN, for medical services at the Benzie County Sheriff's Office expiring September 30, 2010, auth the chairman to sign.
19. Adopted the resolution for the Recreation and Cultural Plan as presented.
20. Authorized a maximum of \$4,000 transferred from contingency to line 101-142-957.40 to cover the Maximus bill.
21. Council on Aging Annual Report given via power point.
22. Authorized to reimburse \$325.00 to the Sheriff credit card for purchase of gym equipment from contingency.
23. To approve a Leave of Absence contingent on approval of the Sheriff for a period of one year or more; that the current budget will not be altered so that the Sheriff can hire a replacement deputy; and Mr. Lamerson will not draw unemployment.
24. Adopted the Fair Housing Resolution as presented, authorizing the chairman to sign
25. Authorized a response letter to MSHDA regarding monitoring visit, auth the chairman to sign.
26. Adopted the resolution as presented, sending to MAC, Representative Scripps, Senator McManus, Governor Granholm and Rebecca Humphries, MDNRE, auth the chairman to sign.
27. Adopted the resolution Urging Implementation of the State Substance Abuse Treatment and Prevention Allocation Formula as presented, auth the chairman to sign.
28. Adopted the Oakland County resolution In Support of the Final Report of the Legislative Commission on Statutory Mandates as presented.
29. Adopted the Board Rules as presented.
30. Adopted the commissioner committee appointments as amended.
31. Authorized the letter to Blue Cross Blue Shield as presented, authorizing Cadillac Insurance as our business associated for renewal information and/or reports.
32. Authorized to put together a meeting with Chairman Tanner, Comm Kelley and Walterhouse with the union and Mr. Stoker and Mr. Spidell, post haste.