

THE BENZIE COUNTY BOARD OF COMMISSIONERS
APRIL 6, 2010

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, April 6, 2010, at 9:00 a.m. in the Commissioners Room, Government Center, Beulah, Michigan, 49617.

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

Absent: Comm Hollenbeck arrives at 9:07 a.m.

Excused: Comm Pitcher arrives at 10:27 a.m.

The invocation was given by Commissioner Kelley and pledge of allegiance was given also.

Agenda: Motion by Walterhouse, seconded by Roper, to approve the agenda as amended, removing Ross Childs at 11:00 a.m. and rescheduling him to May 4, 2010 at 11:00. Motion carried. Ayes: Damm, Kelley, Roper, Tanner and Walterhouse Nays: None Abs: Hollenbeck Exc: Pitcher

Minutes: Motion by Walterhouse, seconded by Roper, to approve the regular meeting minutes of March 16, 2010 as amended, changing awful to intimidating on page 2. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Motion by Hollenbeck, seconded by Kelley, to approve the closed session minutes of March 16, 2010 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 joint special session minutes of March 23, 2010 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

9:10 a.m. PUBLIC INPUT

Eric VanDussen told the board that the police were called to the Council on Aging on March 31, 2010 reference Ms. Wolfe taking files from the offices after she was given notice to cease working for the Council on Aging and they are questioning billings to COA from Ms. Wolfe; on April 2, 2010 Ms. Wolfe filed a Motion to Withdraw as Counsel from the Sears Estate with the probate court.

9:13 a.m. Public Input Closed

ELECTED OFFICIALS & DEPT HEAD COMMENTS

Amy Bissell, Register of Deeds, comments on TPOAM membership letter addressed to Don, there is a line of elected officials not giving up benefits; they need to understand that you cannot decrease an elected officials wages; Dawn, Linda and I are still coming in at 8:00 a.m. and we work overtime by taking items home and coming in on the weekends too. We need to keep the work up too.

Bill Sholten, Under Sheriff, introduces Mike Ramsey, who will be doing civil process service for the county and is now under contract with the Sheriff; he will do very specific and detailed work; he is a professional court officer; he has been deputized by the Sheriff.

Mike Ramsey states he used to work with Ingham County as Court Administrator; been in this business for approximate 20 years; been around the court system a long time; primary function will be enforcement of judicial foreclosures; his services will cost Benzie County nothing – he charges the

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individual; He is appointed in Grand Traverse too; Attorney General Office; will be in Benzie County at least two days per months – if needed, he will be here more often.

Marlene Wood-Zylstra, Recycling Coordinator, states that some bins are being refurbished are coming out very nice; quarterly SWAC meeting tomorrow to finalize contracts with summer collections and will come back to the board at the next meeting with them; Household Hazardous Waste is scheduled for May 22 in Frankfort then August 7. Thursday April 22, 2010 is Earth Day and will partner with CMH again for Clean Out Your Files Day.

Craig Johnson, EMS, states they have been busy with 134 calls in March; in negotiations with Paul Oliver for the property at Station 3 garage and property; will be attending conference –State EMS end of April; HLS the first week in May and MMC has invited him to attend a conference in Chicago with Munson pay the cost. Surcharge for dispatch ends this year; have had discussions on what to do here; took the same wording from the last ballot years ago at \$2.50 and the state reduced the amount to \$2.13, requesting approval to place on the August 2010 ballot; if this passes, you can pass a resolution in the future to increase the amount if we need it – without a vote of the people.

Motion by Walterhouse, seconded by Damm, to renew funding for 9-1-1 emergency service of all devices surcharge for August 3, 2010 at the rate of \$2.13 for five years. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Sheriff Heckman states that the hand scanner for payroll was installed last week so we are ready for training; MDOC jail inspection is scheduled for next week; two 2004 Chevy Impalas are scheduled to be sold at the State of Michigan web auction and also working on obtaining a title for a Suburban to also go; the trustees have been busy cleaning up areas outside around the county now that the weather has broke; 4/1/2010 the courts will assess a fine to drunk drivers that will go to the Sheriff Dept; PPO training is scheduled for this Friday; couple weeks ago did field sobriety tests put on by the MSP; on May 1 the mounted patrol will do a search and rescue training with other groups from around the state; 47 inmates in the jail this morning.

Linda Wilson, County Treasurer, states that the audit report was filed March 30, 2010; the deficit elimination plan has also been filed with the state; she is working on the F-65 report; regarding the telephones, she sent a notice to all departments to identify those in their offices and all others will be turned off; delinquent taxes are up this year – about 12%, and she will borrow \$1 million; she will have six foreclosures this year with the State of Michigan having the first option to purchase, then township/village and then the county.

Jamie Croel, AC Officer, she has provided the animal control report for March, 2010; the truck is OK at this time.

FINANCE REPORT

Motion by Roper, seconded by Hollenbeck, to approve payment of bills in the amount of \$761,310.87 as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

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Linda presented her cash fund summary report with three funds in a deficit – Point Betsie, payroll clearing house and sheriff inmate fund.

Motion by Walterhouse, seconded by Roper, to amend the 2009-10 budget by decreasing the revenues and expenditures as follows:

Fund 101 General Fund

Revenues:

101-253-402.00	Property Tax	\$12,609.00
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Expenditures:

101-261-861.00	Travel	\$ 949.00
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101-261-963.00	Computer Support	\$ 660.00
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101-261-970.00	Equipment	\$ 1,000.00
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101-265-923.00	Electric	<u>\$10,000.00</u>
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		\$12,609.00
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Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse

Nays: None Exc: Pitcher

Motion by Walterhouse, seconded by Kelley, to set the salary range for the Administrator from \$51,000 to \$55,000 for one year plus two months at a minimum of 40 hours per week. Roll call.

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

Cell Phones: Departments are coming forward and stating they need cell phones; a possibility is Trackfones for departments to purchase and use for county use only with the funds to come from their individual departments.

Terry Money, Drain Commissioner, states that he needs to have a cell phone due to the Trackfones not having detailed billing; he needs to keep his cell phone for that reason.

Linda Wilson indicates that part of the trouble seems to be that phones run from \$19.00 up to \$80.00

Motion by Kelley, seconded by Roper, to send the cell phone issue back to the budget committee and have the Sheriff and Under Sheriff do a presentation on what they have in their department and report back to this board. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: None Exc: Pitcher

Motion by Kelley, seconded by Hollenbeck, to refer to personnel for discussions on the job descriptions for the Animal Control Secretary/Building Dept.

10:27 a.m. Comm Pitcher Arrives

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

Chairman Tanner appoints: Comm Pitcher, Comm Damm and Comm Walterhouse to meet and review the job description; and oversee the cleaning of the planning office.

10:31 a.m. Break

10:45 a.m. Reconvene

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Comm Walterhouse presented information regarding reinstatement of hours of Chief Deputy County Clerk.

Linda Wilson states that all hourly and elected positions have been cut to 37-1/2 hours per week – wage and hours; she does not see the traffic or phone calls during that half hour.

Motion by Kelley, seconded by Walterhouse, to reinstate the Chief Deputy County Clerk back to 40 hours per week. Motion denied. Ayes: Kelley and Walterhouse Nays: Damm, Hollenbeck, Pitcher, Roper and Tanner

Cell Phones: Leave turned on: Terry Money, Don Tanner, District Court, Rick Morris

Comm Roper says to allow the departments to keep phones until a decision is made and allow them to purchase a Trackfone.

Regarding the Planning Office: Comm Pitcher suggests that we ask Mr. Figura what needs to be kept and what does not; Chairman Tanner to discuss this issue with Mr. Figura.

Linda Wilson asks for the EDC files to be moved to her office.

PERSONNEL REPORT – None

CORRESPONDENCE

- Motion by Walterhouse, seconded by Kelley, to adopt resolution 2010-019 in support of Secondary Road Patrol, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None
- Email received from Dave Neiger regarding approval of the Recreation and Cultural Plan from the MDNRE.
- Letter from TC-TALUS, NMCOG regarding amount due for Grand Vision: Motion by Pitcher, seconded by Hollenbeck, to not authorize payment of this amount and send a letter to NMCOG that this was budgeted for in FY 2009 and the funds are not available in the current FY 2010 budget. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None
- Letter from Grants Management Coordinator that the Recreation Plan will expire December 31, 2014.
- Letter from concerned citizens regarding dissatisfaction of the court – information only.
- Benzie Transportation Authority minutes of February 9, March 9 and March 16, 2010 received.
- Letter received from The Maples regarding replacement of county liaison – information only.
- Frankfort Dow Memorial Field managers report for March 2010 received.
- Benzie County Road Commission minutes of January 28, February 11 and February 25, 2010 received.
- Frankfort City-County Airport Authority minutes of March 4, 2010 received.
- Quote from Traverse City Record Eagle for advertisement of the County Administrator position. Motion by Pitcher, seconded by Kelley, to not advertise for the County Administrator position in the Traverse City Record Eagle due to the cost. Motion carried.

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

- Motion by Roper, seconded by Kelley, to authorize the County Clerk to look into publication in Michigan Municipal League magazine and advertise the County Administrator position if the cost is \$100 or less. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

11:30 a.m. Tim Weber, AT & T Contracts

Mr. Weber is the account manager for AT & T; this would be a three year contract with a projected savings of \$13,791.12 annually; no cost to get into it; only sign the contracts.

Motion by Walterhouse, seconded by Hollenbeck, to enter into a 3-year agreement with AT & T for telephone service 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 Kelley, to authorize AT & T to set up an account for the county to use AT & T Connect for conference calls that would use four or more individuals. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

11:50 a.m. Susan Miller, Executive Director, Benzie Bus

Ms. Miller presents a power point presentation of their annual report.

CORRESPONDENCE CONTINUED

- Letter received from CMDA regarding Whale vs Benzie County and request for waiver of conflict. Motion by Pitcher, seconded by Kelley, to waive the conflict of interest of the office of Cummings, McClorey, Davis & Acho regarding Thomas Whale vs Benzie County, etal. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None
- Email received from Mr. Figura regarding private non-profits and membership in MERS – information at this time.

COMMISSIONER REPORTS

Comm Pitcher reports that the townships, villages and cities have all received an invitation for April 21, 2010 at 7 p.m. at the Government Center for explanation of the Energy Grant Audits; please encourage your townships to attend to learn how they can tap into this money too.

Comm Kelley had nothing additional.

Comm Roper stated that he will attend the Platte Township meeting tonight and talk about the ORV ordinance; April 17 there will be a ATV for youth class at the Betsie River Sportsmans Club; on April 18 the ATV Association will hold a clean-up day for various areas of the county for the shoulders of the roads; HSC will be conducting another ride-around the lake in June 26; a new HSC directory is available and it is on the county web site; Almira Township now owns a waterfront park in Lake Ann all papers have been signed.

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Comm Damm talked about the Broadband project; MERIT did win an award in this round of applications; they will put a trunk through Benzie County and Beulah and they would like to come to this board for a presentation; they are also looking for a main hub that is reasonably secure and a generator, school is a possibility, but they do not have 24 hour activity; perhaps we can schedule them for May 18 – MERIT will put together what they will discuss and send to the townships; Tim Maylone put in a bid for 2nd round and would like to come to this board.

Comm Walterhouse states that the MAC conference was good; Cadillac Insurance says BC is looking at a 9% increase next year and they are looking to other companies to reduce costs; MSU has had a change in programs – they use the internet for most stuff; 82 counties and each county has a different agreement with them; Happy Birthday to Commissioner Pitcher.

Comm Hollenbeck states that the last time we met someone asked if we would consider allowing the former employees at the Maples to meet with this board; also talked about DHS and the Maples boards members to be here; the people still feel they want to be heard – they have gone to Dan Scripps and talked to him; will you consider a meeting.

Comm Pitcher says her concern is the Board of Commissioners cannot address employee issues; if we have a meeting they may think we can do something – we can't and they will be disappointed if we don't do something.

Motion by Pitcher, seconded by Kelley, to not schedule a joint meeting with The Maples board and ex-employees on the topic of personnel issues. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: Hollenbeck

Comm Tanner informs the board that we have a signature on the Crystal Lake boat launch judgment; he and Ed Roy would like to pursue with the state legislature that we need a legislative solution to this project regarding legal bills – this needs to be solved legislatively; Ed will craft some language and carry the message to Lansing; we have scheduled a joint meeting with the Parks & Recreation Commission for April 26, 2010 at 4:00 p.m. with Mr. Figura regarding the Cole case – we will go into closed session.

1:05 p.m. PUBLIC INPUT

Jennifer Flynn, Warren Road, Beulah, states that we are happy that there a lot positive feels with the employees and residents the issue that has come up is old disgruntled employees; asks commissioners to come any time to see the residents and employees.

Rose Coleman, Administrator at The Maples, been a lot of stuff said about what I did and didn't do, Ms. Hollenbeck does not have all of her facts correct; I have asked you to come in and talk to me; asks that she come in and get some facts before you make these statements; most employees are happy.

Eric VanDussen states regarding the COA probate file has a hearing on April 21 at 2:30 p.m. – you may want to appear and hear what is being said on the Sears issue – Manistee Probate Judge has been appointed to hear that case; Richard Zych was put on paid leave prior to Christmas and still on paid

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leave with no resolution; Erin House, AG person to handle DV charges is handling it and nothing has been done with that case, John Daugherty has jurisdiction over that case regardless if she is handling it; something needs to be done on that issue; it would be prudent for an attorney to look at the AG opinion regarding the Chief Deputy salaries – could open you up to liability if that is the law of the land; Whale lawsuit and the conflict waiver that you just approved -- Lisa Tucker and Chuck Clarke if they were acting on their own – does the county have to pay for their representation when it is alleged they did whatever activity on the county dime.

Margot Peshek, Beulah, a lot of this issue being stewed up, if from employees terminated in the past; they are not getting their information from the best placed.

1:13 p.m. Public Input Closed

Motion by Kelley, seconded by Roper, to adjourn until April 20, 2010 at 6:00 p.m., or the call of the chair. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse
Nays: None

Donald R. Tanner -- Chairman

Dawn Olney – Benzie County Clerk

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1. Approved the agenda as amended.
2. Approved the regular meeting minutes of March 16, 2010 as amended.
3. Approved the closed session minutes of March 16, 2010 as presented.
4. Approved the joint special session minutes of March 23, 2010 as presented.
5. Authorized to renew funding for 9-1-1 emergency service of all devices surcharge for August 3, 2010 election at the rate of \$2.13 for five years.
6. Approved payment of bills in the amount of \$761,310.87 as presented.
7. Amended the 2009-10 budget by decreasing the revenues and expenditures as presented.
8. Approved setting the salary range for the Administrator from \$51,000 to \$55,000 for one year plus two months at a minimum of 40 hours per week.
9. Authorized to send the cell phone issue back to the budget committee and have the Sheriff and Under Sheriff do a presentation on what they have in their department and report back to this board.
10. Referred to personnel for discussions on the job descriptions for the Animal Control Secretary/ Building Dept.
11. Chairman Tanner appoints: Comm Pitcher, Comm Damm and Comm Walterhouse to meet and review the job description; and oversee the cleaning of the planning office.
12. Denied motion to reinstate the Chief Deputy County Clerk back to 40 hours per week.
13. Cell Phones: Leave turned on: Terry Money, Don Tanner, District Court, Rick Morris
14. Mr. Figura to be consulted on what needs to be kept and what does not with reference to the Planning Department.
15. EDC files to be moved to the County Treasurer's office.

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16. Adopted resolution 2010-019 in support of Secondary Road Patrol, authorizing the chairman to sign.
17. Authorized to not pay the amount requested for Grand Vision and send a letter to NMCOG that this was budgeted for in FY 2009 and the funds are not available in the current FY 2010 budget.
18. Approved to not advertise for the County Administrator position in the Traverse City Record Eagle due to the cost.
19. Authorized the County Clerk to look into publication in Michigan Municipal League magazine and advertise the County Administrator position if the cost is \$100 or less.
20. Approved to enter into a 3-year agreement with AT & T for telephone service as presented, authorizing the chairman to sign.
21. Authorized AT & T to set up an account for the county to use AT & T Connect for conference calls that would use four or more individuals.
22. Approved to waive the conflict of interest of the office of Cummings, McClorey, Davis & Acho regarding Thomas Whale vs Benzie County, etal.
23. Approved to not schedule a joint meeting with The Maples board and ex-employees on the topic of personnel issues.