

THE BENZIE COUNTY BOARD OF COMMISSIONERS
June 1, 2010

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, June 1, 2010, at 9:00 a.m. in the Commissioners Room, Government Center, Beulah, Michigan, 49617.

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

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

Motion by Pitcher, seconded by Walterhouse, to approve the agenda as amended, adding Thelma Rider-Novak following 10:00 Building Dept. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

Motion by Hollenbeck, seconded by Damm, to approve the regular meeting minutes of May 18, 2010 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

9:04 a.m. PUBLIC INPUT

Craig Peshek, Benzonia Township, talks regarding the Maples meeting last week and the liaison portion of that meeting; claims of the Maples Board violation of OMA; perhaps the liaison should talk during public input not during liaison time.

Marsha LaTour, Benzonia Township, Chairman of the Board at the Maples; been some question regarding a gag order being filed; provides a letter from the Prosecuting Attorney office; asks Mr. Tanner to read the letter from their attorney into the record during correspondence; provides copies of minutes from the Maples board to the commissioners with copies to be provided to the board members.

9:07 a.m. Public Input Closed

PUBLIC HEARING – SUMMER TAX RATES

Tom Longanbach states that without this hearing the county would not be able to assess the maximum allowable under Headlee.

9:09 a.m. Public Hearing Opened.

Thelma Novak asks what it will be increased to and from.

Tom states that it would allow us to level the maximum under Headlee.

George Golan – you would have to convince me why I would want to pay more taxes; everyone needs to cut back.

John Zirkel he brings up some good points; this is a fairly wealthy retirement community in some townships; a lot a townships funded your millages because it was the right thing to do; you have four townships that fund 63% of every Millage you have – a lot of money.

Dennis Rodzik, Homestead Township, rather than raising taxes perhaps you should look at consolidating the road commission; should look at declining services and decrease the taxes to draw people in.

9:18 a.m. Public Hearing Closed

ELECTED OFFICIALS & DEPT HEAD COMMENTS

Sheriff Heckman discusses the federal marine grant of \$20,536.00 with no local match required; Lake Township summer patrol contract.

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Motion by Kelley, seconded by Pitcher, to accept the federal marine grant in the amount of \$20,536.00 and authorize the chairman to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

Comm Hollenbeck states that she appreciates all the work you have done to obtain grants for your department; you are very efficient and I appreciate that.

Jamie Croel, Animal Control Officer, says the weekend was busy for them; an advertisement has been placed for weekend help; Animal Welfare League is looking to use some funds to replace some gates on the dog kennels and improvements to the lawn area for shade overhang for the dog with no cost to the county; BOC agrees.

Craig Johnson, EMS Director, says they had a very busy weekend; May was a record month.

FINANCE

Motion by Walterhouse, seconded by Kelley, to approve the bills in the amount of \$196,016.22 as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

Cash fund balance report – General fund and Point Betsie remain in a deficit; Contract for summer tax collection with Frankfort-Elberta Schools.

Motion by Pitcher, seconded by Damm, to approve the summer tax collection contract with Frankfort-Elberta Area Schools with a charge of \$4.25 per parcel, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

Budget Committee Recommendations:

Motion by Walterhouse, seconded by Kelley, to amend the budget for Parks and Recreation by decreasing the property tax and decreasing dues and registration line 101-751-955.10 by \$470 as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

Motion by Kelley, seconded by Walterhouse, to set the wage for a new Administrative Assistant in the Prosecutor's Office at \$14.50 - \$15.00 per hour depending on experience. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

Motion by Kelley, seconded by Pitcher, that the wages for elected officials, non-union and court employees be frozen at the current rate for the next fiscal year. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

Motion by Kelley, seconded by Hollenbeck, that the elected officials, non-union and court employees pay the same percentage of health, vision and dental insurance premiums that the unions are willing to pay. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

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Motion by Walterhouse, seconded by Kelley, to adopt the FY 2010-2011 budget calendar as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse
Nays: None Exc: Roper

Motion by Walterhouse, seconded by Pitcher, to schedule a special meeting for September 14, 2010 at 9:00 a.m. to set the budget for FY 2010-2011. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

Motion by Walterhouse, seconded by Pitcher, to adopt the Marine Budget as presented in the amount of \$21,536.00. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

PERSONNEL

Chairman Tanner states that the search for a county administrator continues; we will bring all other personnel issues to the June 15 meeting when Comm Roper can be present.

9:46 a.m. Break

9:57 a.m. Reconvene

CORRESPONDENCE

- Letter from Dept of Treasury regarding Convention Facilities tax and Liquor Tax – information.
- Betsie Valley Library minutes of April 6, 2010 received.
- Memo from Mr. Dewey regarding Fresnel lens arrival at Point Betsie Lighthouse and in the custody of Benzie County.
- Memo from MMRMA that they do not have a cell phone policy.

10:00 a.m. Steve Haugen, Building Dept.

Comm Walterhouse states that this is regarding the building department office hours.

Chairman Tanner states that we have received complaints regarding contractors coming here and having the office closed.

Steve states that they are like everyone else – have to cut hours to get the work done; don't have the staff to run the office with the current funding they have; with only two full time employees, they cannot keep up now; states that 90% of the builders know he is closed; secretary could take questions and give applications – she cannot answer questions.

Jamie Croel and Steve Haugen will work to get a comparable time to keep the office open at all times.

Someone needs to be available at all times.

Steve says that his office hours have been posted for over one year.

Comm Kelley states that we are here to serve the public.

Chairman Tanner states they need to coordinate with Building/Animal Control/Soil Erosion to work together and get a schedule – as soon as possible.

10:13 a.m. Thelma Rider-Novak

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Reads a statement regarding her issues with the Maples; the administrator gets a large salary and has a side job too; does the Board of Commissioners or the Maples decide if the building will happen – or how to a vote of the people; how much has been spent on the current architect so far; gag order; why are there three paid employees from the Maples here rather than at work; wants some answers.

Questions to have answered regarding The Maples:

Who OKs the building?

Is the focus of the building being changed to a rehab center?

Perhaps you should have an evaluation procedure in place – we have had trouble with the Airport Authority, Council on Aging, The Maples.

John Zirkel went to the meeting at the Maple; listened to the attorney answer all of Thelma's questions; if you read the written transcript of the meeting, you will know that all of her questions were answered; don't remember her being denied the right to speak; a lot of people bank the Millage – not uncommon, you need it to start the next year.

Marsha LaTour says you do not have a verbatim from the May 25 meeting; says to Kristin that you assume too much – you need the facts.

Rose Coleman states that they didn't know Thelma would be on the agenda and will not respond to her questions today; these are salaried employees here, not hourly employees, and someone will always be at these meetings.

Comm Kelley says that the Chair always has to have control of a meeting.

Chairman Tanner was asked to clear it up – no one asked for a gag order.

Comm Hollenbeck says she spoke with several employees, over 12 people, and they all said thank you to her – they were all positive responses; then went and talked to Rose and told her of their responses; she feels that she was criticized at the meeting; and will continue to go unless they don't want her to come again; want to make sure that everyone can talk to her as the liaison.

Chairman Tanner reads a letter into the record from the Maples Attorney.

Chairman Tanner states that he will take the issue under advisement and make some decision before the next meeting of the Maples which is scheduled for June 29 at 1:00 p.m.

10:48 a.m. Recess

10:59 a.m. Reconvene

CORRESPONDENCE CONTINUED

- Animal Shelter Cleaning Agreement – to be provided to the Animal Advisory Board.
- MMRMA letter received regarding RAP agreement for security cameras.
- Letter received from Donna Ashley regarding automatic door openers at the Government Center – referred to building and grounds.
- Letter from the State regarding Regional EDC; did meet with them and it was a very productive meeting.
- Special meeting with Council on Aging – June 8, 2010 @ 5:00 p.m. at The Gathering Place.

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- Council on Aging Financial Statement – April 30, 2010.
- Letter received from Charlevoix County – information only.
- Green Team memo re membership: Committee will remain as is without a citizen at large and other municipal representation.
- Letter from Ed Roy, Attorney for the CL boat ramp case; files are now closed and they will return all originals to the county.
- Trapp Farm Preserve will be proceeding; NRCS grant; will be returned to a trout stream habitat.
- June 7, 2010 @ 2p.m. – Ceremony at Point Betsie Lighthouse

11:24 a.m. Richard Figura talks regarding the lawsuit with The Maples, DHS Board and Benzie County Medical Care Facility; the insurance carrier says there is no coverage because it is a contract dispute; he has been in discussions with the attorney for The Maples; this is a breach of contract lawsuit; the Maples is not organized as a non-profit – just a facility being run by the DHS board, which is a county board, and there is no conflict of interest and there should be one attorney; you need to have discussions as to who will represent you.

Rose Coleman thinks the Maples became an entity that operates in the county building; their attorney has answered the complaint and has done depositions; changed name in 1991

Motion by Walterhouse, seconded by Hollenbeck, to allow Chairman Tanner to follow the attorney recommendation for one attorney to represent the county and the Maples in the lawsuit of Great Lakes Therapy Housecalls vs The Maples et al. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Tanner and Walterhouse Nays: None Exc: Roper

COMMISSIONER REPORTS

Comm Kelley provides a written report.

Comm Pitcher reports that household hazardous waste clean up in Frankfort on May 22 was very successful and the next one is scheduled for August 7 at the Road Commission; didn't work in the Planning/Zoning office this week.

Comm Damm reported on the holding tank issue on Platte Road – Bixler to Yukon and the township will apply for the grants needed.

Comm Walterhouse reported that Jill Tooley is retiring from Benzie County and would like to do a certificate for signing by all commissioners.

Comm Hollenbeck says that four people have resigned from the Frankfort fire department; FCCAA has gliders taking off going different ways and it is dangerous – they need to all go the same way. They have written a letter and hopefully it will be taken care of.

11:40 a.m. PUBLIC INPUT

Rose Coleman reports that late Friday a delivery truck wiped out the front entrance of their facility and it is unsafe; so the entrance has been blocked off; they are working to get it fixed.

Thelma Rider-Novak says some employees asked if it was a Rider truck.

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John Zirkel asks if you ever had a tentative value of any of the building in case they are sold; if not, perhaps this is a good time to do that.

Marsha LaTour agrees that is probably a good idea, we will have to meet a lot of codes over the next few years and we don't know the value of the building.

11:47 a.m. PUBLIC INPUT CLOSED

Motion by Damm, seconded by Kelley, to adjourn until June 15 2010 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 – County Clerk

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1. Approved the agenda as amended.
2. Approved the minutes of May 18, 2010 as presented.
3. Public hearing held regarding summer tax rates.
4. Approved the bills in the amount of \$196,016.22 as presented.
5. Accepted the federal marine grant in the amount of \$20,536.00 and authorize the chairman to sign.
6. Approved the summer tax collection contract with Frankfort-Elberta Area Schools with a charge of \$4.25 per parcel, authorizing the chairman to sign.
7. Amended the budget for Parks and Recreation by decreasing the property tax and decreasing dues and registration line 101-751-955.10 by \$470 as presented.
8. Approved to set the wage for a new Administrative Assistant in the Prosecutor's Office at \$14.50 - \$15.00 per hour depending on experience.
9. Approved that the wages for elected officials, non-union and court employees be frozen at the current rate for the next fiscal year.
10. Approved that the elected officials, non-union and court employees pay the same percentage of health, vision and dental insurance premiums that the unions are willing to pay.
11. Adopted the FY 2010-2011 budget calendar as presented.
12. Approved to schedule a special meeting for September 14, 2010 at 9:00 a.m. to set the budget for FY 2010-2011.
13. Adopted the Marine Budget as presented in the amount of \$21,536.00.
- 14. Questions to have answered regarding The Maples:**
 - Who OKs the building?**
 - Is the focus of the building being changed to a rehab center?**
15. Special meeting with Council on Aging – June 8, 2010 @ 5:00 p.m. at The Gathering Place.
16. June 7, 2010 @ 2p.m. – Ceremony at Point Betsie Lighthouse
17. Authorized to allow Chairman Tanner to follow the attorney recommendation for one attorney to represent the county and the Maples in the lawsuit of Great Lakes Therapy Housecalls vs The Maples et al.