

## **THE BENZIE COUNTY BOARD OF COMMISSIONERS**

**June 15, 2010**

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, June 15, 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.

Motion by Roper, seconded by Pitcher, to approve the agenda as amended, adding Courtroom Repairs and Snowmobile Budget under Finance. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Hollenbeck, to approve the regular meeting minutes of June 1, 2010 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Kelley, seconded by Roper, to approve the special meeting minutes of June 8, 2010 as corrected. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

6:03 p.m. PUBLIC INPUT

Thelma Rider Novak, after the last meeting a Maples employee called her and said the entrance at the Maples would not be just repairs, they would fix like the architecture plans – has this gone through the building authority; discussed the 100% termination of employees at the Maples.

John Zirkel, said he made no reference of Benzie County being like Chicago; nothing comes from Cook County unless it comes from the Daley Center; nothing gets done in Benzie County unless Thelma OKs it.

Craig Peshek, letter to the editor talking about the board of commissioners moderate the Maples – that is a stupid idea – don't waste your time.

Carol Merrill discusses information from the Government Center union regarding changing Rick Morris from an hourly employee to a department head.

6:09 p.m. PUBLIC INPUT CLOSED

### **ELECTED OFFICIALS & DEPT HEAD COMMENTS**

Linda Wilson has provided the board with a copy of a proposed DRAFT Personnel Policy; please share your comments on the copy provided and we can make corrections accordingly; she is getting ready to send out summer tax bills.

Steve Haugen states that the change has been made to keep the building dept open five days per week; Leelanau County is looking to possibly combine the code enforcement offices; this would be a great asset to both counties during slow times – great idea. Did a similar proposal to Manistee County last year and heard nothing from them.

Craig Johnson, EMS Director, says the EMS is extremely busy with a highest call volume has just exploded; made a few staffing changes and things are going well; Dispatch Advisory Board met the first part of the month; you received and approved the job description a few months ago; the advisory board

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recommends hiring a director; there is money available to hire a director with a salary range of \$41,000 to \$45,000; they will open it up to within the department to apply also; looking for approval to advertise. Motion by Walterhouse, seconded by Roper, to advertise for the 9-1-1 Director with a salary range of \$41,000 to \$45,000 as request. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Gene Mayo, Emergency Management; 2008 Homeland Security Planning budget has met and we have \$1.2 million for Region 7; of that he is chairman of the law enforcement division and we are looking at several grant opportunities for Benzie County – Gene will provide a list of the grants to the Board and do a news article.

Sheriff Heckman states that the Escape is on the on-line auction; have received a check for the sale of the two police vehicles that we sold – this is the way to sell stuff; received a grant for a new snowmobile and will need to amend the snowmobile budget – the funds need to be spent by September 1, 2010; the camera project was completed today – 16 cameras place in the Government Center; this information is being recorded at the Sheriff Dispatch area on DVDs with a longer retention period.

Rose Coleman, the Maples, provides the minutes of their last meeting and meeting dates for the rest of the year; entrance issue – the residents enjoyed watching the work; trying to determine the age of the overhang. They are working with MMRMA and their insurance company trying to be coordinated. There is structural damage involved.

Jamie Croel, Animal Control, provided the monthly report; they are full up there now; have lots of critters; staying pretty steady so far; asks for an update on the weekend help; the contract has been provided to the advisory board; one bid has been received.

Motion by Pitcher, seconded by Kelley, to enter into contract with Rebecca Knapp for Saturday cleaning at the Animal Shelter and feeding of the animals at the rate of \$50.00 per day, to begin June 20, 2010.

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

## FINANCE

Motion by Pitcher, seconded by Walterhouse, to approve resolution 2010-030 Truth in Taxation as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Roper, seconded by Hollenbeck, to approve the L-4029 setting the county taxes for July 1, 2010 as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Roper, seconded by Hollenbeck, to approve payment of bills in the total amount of \$353,298.55 as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Snowmobile Budget: Motion by Walterhouse, seconded by Pitcher, to amend the 2010 Snowmobile Budget as follows:

Revenue:

217-332-539.00	State Grant (Patrol)	\$11,300.00
217-332-585.00	Local Match	1,695.00

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217-332-539.00	State Grant (snowmobile)	6,491.00
217-332-585.00	Local Match (snowmobile)	<u>1,145.39</u>
	Total	\$20,631.39

### Expenses:

217-332-706.00	Wages – Deputy Sheriff	\$10,000.00
217-332-748.00	Gas, Oil, Grease	1,500.00
217-332-749.00	Vehicle Repairs	500.00
217-332-751.00	Uniforms	500.00
217-332-970.00	Equipment and (snowmobile)	<u>8,131.39</u>
	Total	\$20,631.39

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

Sheriff reports that they will be hold a Boating Safety Class for those 12 and over on June 26, 2010 at 9:00 a.m. with no fee; Benzie Kids golf outing – looks like they ~~may~~ made about \$10,000 and every dime goes to kids programs in Benzie County; encourages all of you to attend the Thompsonville Summer Fest on Monday, June 21, 2010.

Courtroom Repairs: Quote from Start to Finish Construction in the total amount of \$8,305.00; Comm Kelley feels it should go out for bid when we are spending this amount of money; to be advertised in the local paper on June 23, deadline being June 30 and open at the July 6 meeting.

Automatic Doors: Allen Supply is usually the company that does these doors; they will be in this week to let us know the amount.

7:05 p.m. Paul Byro, Bear Lake

August 2008 he was arrested for drunk driving leaving Benzie County; he says he wasn't drunk; says the policy of the county prevented him from leaving the county to obtain blood tests; jury trial was held and he was convicted; spent 30 days I jail; he then appealed to Judge Batzer and he overturned the conviction; this was a highly humiliating issue; feels the policy needs to be corrected; a lot of different avenues he could have pursued after his conviction was overturned and charges dismissed; not out to hurt anyone in Benzie County; he has talked with attorneys regarding this issue; he is asking for only what he has lost; the amount of time and stress that this situation puts on other people; hands out information of what he is requesting; \$20,562.66; think deeply about this; he says everything that happened to him was a direct result of that policy.

Comm Kelley asks for a copy of the policy; no I don't; perhaps you should read the appeal transcript but didn't get it due to cost.

Chairman Tanner says we will consult our legal counsel regarding this issue.

Comm Kelley recommends we go to the court of appeals.

Motion by Roper, seconded by Damm, to allow Chairman Tanner to seek an opinion from legal counsel and send a letter to Mr. Byro regarding same. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

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7:22 p.m. Break

7:32 p.m. Reconvene

Motion by Pitcher, seconded by Kelley, to enter into closed session for discussions with counsel regarding file no. 09-8709-CZ, to include our attorney and the county treasurer Linda Wilson. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

7:51 p.m. Re-enter Open Session

Motion by Walterhouse, seconded by Damm, to accept the report to the Board of Commissioners from counsel regarding file no. 09-8709-CZ. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

CMH: Motion by Pitcher, seconded by Walterhouse, to state that the Board of Commissioners wishes to support the Manistee-Benzie Community Mental Health Board in their efforts and to express our concern over the Michigan Senator's proposed 54 million dollar budget cut to the Michigan Department of Community Health Community Mental Health budget line. We feel that such a cut would jeopardize the local safety net for the developmentally disabled and mentally ill individuals.

Motion by Pitcher, seconded by Kelley, to amend to state that that the Board of Commissioners wishes to support the Manistee-Benzie Community Mental Health Board and strongly objects to the Michigan Senator's proposed 54 million dollar budget cut to the Michigan Department of Community Health Community Mental Health budget line. We feel that such a cut would jeopardize the local safety net for the developmentally disabled and mentally ill individuals, and send to Senator McManus.

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

Vote on Original Motion as Amended: Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

## **PERSONNEL**

Motion by Roper, seconded by Pitcher, to appoint Gretchen Staub to the Betsie Valley Trail Management Council to replace Tad Peacock for a 3 year term, to expire June 15, 2013. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Chairman Tanner reported that there is no representative on the Planners Regional Advisory Council through COG – Peg Minster will try and attend; EDC -- the Planner was always a member; needs to be checked out; Karen Roberts is willing to attend EDC, so Don will ask if Dave Neiger will resigned from EDC.

## **CORRESPONDENCE**

- Benzie County Road Commission minutes of April 22 and May 13, 2010.
- Frankfort City-County Airport Authority minutes of May 6, 2010 received.
- Benzie Transportation Authority minutes of May 25, 2010 received.
- Parks and Recreation minutes of April 26, 2010 received.

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- Benzie-Leelanau District Health Dept minutes of May 27, 2010 received.
- Letter received from two employees of the Maples.
- Crystal Lake and Platte Lake Elevation reports received.
- Betsie Valley Trail Management Council minutes from June 7, 2010 received.
- Notice from COG regarding Mini Grants – for any unit of government.
- Planning Commission minutes of May 13, 2010 received.
- Michigan Northern Counties Assoc minutes of May 17, 2010 received.
- Frankfort City-County Airport Authority minutes of June 3, 2010 received.
- Request from Robert Bodell, Catholic Charities, to use the lower level conference room every Thursday from 4 – 5 p.m. – Request Mr. Bodell to come to the next board meeting.
- MSU meeting in Gaylord on June 23, 2010 – Comm Kelley is attend.

### COMMISSIONER REPORTS

Comm Pitcher reported that the schedule for cleaning of the planning office has changed – they will now do it ½ days on Wednesday afternoons; mini grants are available for local units to have free energy audits done – five were available and only the Village of Beulah applied; Benzie Grand Vision meeting last week and she is feeling positive momentum and it was very well attended.

Comm Kelley presented a written report and stated that Thompsonville has three blocks of their new streetscape project complete; met with Nicolette McClure – candidate for Congress on the ballot for August 3, 2010.

Comm Roper stated that the Village of Lake Ann is working on their Master Plan update and sent out to the township for comments; lawsuit by someone over there to put in a subdivision and he wanted to put the driveway a certain way –the village gave up about \$10,000 to fight it ~~the township gave up~~; mediation re Cole is scheduled on June 25 with the Road Commission; ride around Crystal Lake scheduled for June 26; Almira Township is working to order a new ambulance; MAC clean-up legislation – could it fit our 669 property.

Comm Damm reported that through the Beulah Boosters money is being put up for a floating dock with eight slips and a fishing pier on the end on Crystal Lake.

Comm Walterhouse Dept head meeting on May 20 – only three other departments represented, next one is June 17 at 1:00 p.m.; a schedule for the entire year will be made up; interesting meeting on May 25 regarding the 669 property; met with the unions on June 10 regarding asking them to help with next year's budget – they don't want to change or open up their contracts but we left it open for suggestions; MTA meets tomorrow night; asks about any report on the old M-11 in Elberta; Peter Cohl is willing to come to a board meeting and discuss budget issues.

Comm Hollenbeck talks that at the Gilmore Township meeting last week grant money applied for the steps at the end of Grace Road leading down to Lake Michigan; CZM grant and is a 50/50 match.

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Comm Tanner reported that the Administrator interviews will be held on June 29 and 30; DNR is doing a department review of Forest Land Management meeting on June 30 from 3-7 p.m. in Traverse City.

9:08 p.m. PUBLIC INPUT

Don Smeltzer says thank you for the CMH support.

Thelma Rider Novak asks if the interviews are public.

9:10 p.m. Public Input Closed

Motion by Roper, seconded by Hollenbeck, to adjourn until July 6, 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, adding Courtroom Repairs and Snowmobile Budget under Finance.
2. Approved the regular meeting minutes of June 1, 2010 as presented.
3. Approved the special meeting minutes of June 8, 2010 as corrected.
4. Authorized to advertise for the 9-1-1 Director with a salary range of \$41,000 to \$45,000 as request.
5. Authorized to enter into contract with Rebecca Knapp for Saturday cleaning at the Animal Shelter and feeding of the animals at the rate of \$50.00 per day, to begin June 20, 2010.
6. Approved resolution 2010-030 Truth in Taxation as presented.
7. Approved the L-4029 setting the county taxes for July 1, 2010 as presented.
8. Approved payment of bills in the total amount of \$353,298.55 as presented.
9. Authorized to amend the 2010 Snowmobile Budget as presented.
10. Authorized Chairman Tanner to seek an opinion from legal counsel and send a letter to Mr. Byro regarding same.
11. Authorized to enter into closed session for discussions with counsel regarding file no. 09-8709-CZ, to include our attorney and the county treasurer Linda Wilson.
12. Accepted the report to the Board of Commissioners from counsel regarding file no. 09-8709-CZ.
13. Authorized to state that that the Board of Commissioners wishes to support the Manistee-Benzie Community Mental Health Board and strongly objects to the Michigan Senator's proposed 54 million dollar budget cut to the Michigan Department of Community Health Community Mental Health budget line. We feel that such a cut would jeopardize the local safety net for the developmentally disabled and mentally ill individuals, and send to Senator McManus.
14. Appointed Gretchen Staub to the Betsie Valley Trail Management Council to replace Tad Peacock for a 3 year term, to expire June 15, 2013.