

**Jackson County Board of Commissioners Meetings Minutes**  
**January 18, 2005 - Regular Meeting**  
**Jackson County Commissioners Chambers: 7:00 p.m.**

**CALL TO ORDER:**

Chairman Herl called the January 18, 2005 meeting of the Jackson County Board of Commissioners to order at 7:00 p.m.

**INVOCATION:**

Comr. Shotwell

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

(10) Present: Comrs. Brittain, Day, Reynolds, Videto, Shotwell, Berkemeier, Smith, Wilson, Gumbert, & Herl. (2) Absent: Comrs. Lutchka & Mahoney

**APPROVAL OF AGENDA:**

*Moved by Reynolds supported by Brittain to Approve the Agenda as published.* Motion carried.

**AWARDS & RECOGNITIONS:**

a. Employee of the Month of January 2005-Ann Hammond, Secretary II, Health Department. Presented by Herl with remarks by Shelley Bullinger, Health Education Manager.

b. Presentation of Thirty Year Service Award to Robert C. Elliott, Administrator/Controller, from the International City/County Management Association (ICMA) Presented by Herl with remarks by Robert Elliott.

7:08 p.m. Comr. Lutchka appeared.

**COMMUNICATIONS & PETITIONS:**

None

**SPECIAL ORDER/PUBLIC HEARINGS:**

None

**PUBLIC COMMENT:**

Public comment began at 7:11 with John Tallis, Hanover Township Supervisor. Mr. Tallis began by giving a favorable sewer project update. The Liberty/Hanover project is ongoing. Bidding allowed them to reduce payments from \$500 to \$420 per month for the constituents. Checks were sent to those who paid in advance. The Jackson County Supervisors Association held elections last month. Mr. Tallis was elected as the Chair and extended an invitation to all the commissioners to attend their meetings. He also encouraged them to attend their local board meetings to produce a more cohesive environment. Mr. Tallis also spoke to the restaurant fee issue and encouraged the commissioners to pass the single fee structure.

Lana Putnam, owner of Parma Café spoke next. She also requested that the Board pass the single fee structure.

Cherry Mosher, of Cherry's Café welcomed the new commissioners and Robert Elliott. She also thanked Chairman Herl for his willingness to listen to and work with the restaurant owners. Cherry passed out a list to all of the commissioners and discussed the restaurant fee schedules. She again requested that the commissioners pass the single fee structure.

Janet Rochefort, Jackson County Treasurer invited the Board to a meeting tomorrow evening. Dan Kildee, the Genesee County Treasurer will be speaking about the Land Bank Fast Track Authority.

Chuck Minix, owner of The House of Tacos spoke regarding the Risk Based fee structure and requested the single fee structure.

Public comment closed at 7:24 p.m.

**SPECIAL MEETINGS OF STANDING COMMITTEES:**

None

**CONSENT AGENDA ITEMS:**

*Moved by Berkemeier supported by Gumbert to Approve the Consent Agenda items A through H as contained in the following Consent Agenda List:*

A. *Minutes of the December 14, 2004 Jackson County Board of Commissioners Meeting*

B. *Minutes of the December 14, 2004 Jackson County Board of Commissioners Closed Session*

C. *Minutes of the January 3, 2005 Jackson County Board of Commissioners Organizational Meeting*

D. *Claims dated December 1, 2004 through December 31, 2004 as presented to and approved by the Standing Committees*

E. *Authorization to the Park's Commission to waive County Policy 1060 which requires appropriations and transfers to be done on a quarterly basis, and allow the first two quarterly distributions due to cash flow purposes.*

F. *Authorization to the Park's Commission to carry over balances from 2004 to 2005 Parks Public Improvement and Parks Equipment Funds.*

G. *Authorization for the Park's Commission to utilize \$25,000 in the Parks Public Improvement Fund to be designated as matching funds for the Falling Waters Trail Project.*

H. *Authorization to appoint a County Commissioner to a selection committee to interview candidates for Administrative Assistant in the office of the Administrator/Controller.*

Motion carried.

**STANDING COMMITTEE REPORTS:**

A. County Affairs- Commissioner Day:

1) *Moved by Day supported by Wilson to Recommend the re-appointment of Marjorie Clark, Grass Lake Township Clerk and Shirley Larson, School Board Member to the County Election Scheduling Committee-two year terms, two seats.* Motion carried.

2) *Moved by Day supported by Brittain to Adopt Resolution 01-05.5 to Approve and Authorize Execution of Agreement regarding the Vineyard Lake Sewer Common Fund.* Roll call: (11) Yeas. Motion carried unanimously.

3) *Moved by Day supported by Wilson to Adopt Resolution 01-05.6 to Approve and Authorize Execution of Agreement regarding Round/Farwell Lakes Sewer Common Fund.* Roll call: (11) Yeas. Motion carried unanimously.

B. County Agencies- Commissioner Reynolds:

No report.

C. Human Services- Commissioner Phil Berkemeier:

1) *Moved by Berkemeier supported by Brittain to Approve the second reading of the single license fee as approved at the December 2004 Board of Commissioners Meeting which calls for establishing a single fee for 2005 of \$382. Non-profits will remain the same at \$149, vending per location will remain the same at \$58, vending per machine will remain the same at \$5, STFU's will remain at \$123, Temporary remain at \$76, the Office Conference will remain at \$100, Informational Meetings will be \$125. The \$50 credit for certification is eliminated.* Moved by Shotwell supported by Berkemeier to table the main motion. Roll call: (9) Yeas. Cmrs. Lutchka, Day, Reynolds, Videto, Shotwell, Berkemeier, Smith, Gumbert, & Herl. (2) Nays. Cmrs. Brittain & Wilson. Motion to table the restaurant fee issue carried.

2) *Moved by Berkemeier supported by Brittain that all bids for the Furniture for the Jackson County Health Department are rejected and the project be re-bid.* Motion carried.

Wilson asked what was going to happen to the restaurant fees? Herl answered that it would have to be discussed in committee. Wilson asked if they are going to be looking at other fees and shouldn't there be a reason for the tabling? Shotwell interjected that when an item is tabled, no action can be taken on it until under Old Business or at another time. There is no discussion. Wilson asked what billing cycle the Health Department would be using. Herl answered that the fees that were passed at the November meeting are currently in effect. Brittain asked if it should be brought up under Unfinished Business at the end of the meeting and was told by Herl that it could be.

D. Personnel & Finance- Commissioner Videto:

1) *Moved by Videto supported by Day to Approve Resolution 01-05.7 Providing Direction to the County Administrator/Controller on Formulating Recommendations for the 2006 Annual Budget for the County of Jackson.* Roll call: (11) Yeas. Motion carried unanimously.

2) *Moved by Videto supported by Reynolds to Approve Resolution 01-05.8 Authorizing the Advertising and Sale of the Kresge Building.* Wilson asked if we have a market price. Elliot answered that the minimum is \$345,000. Roll call: (11) Yeas. Motion carried unanimously.

#### **UNFINISHED BUSINESS:**

*Moved by Brittain supported by Wilson to revisit the restaurant fee issue.* Roll call: (6) Yeas. Cmr. Lutchka, Brittain, Day, Smith, Wilson, & Herl. (5) Nays. Cmr. Reynolds, Videto, Shotwell, Berkemeier, & Gumbert. Motion carried. Brittain asked Shotwell why he tabled the issue. Shotwell responded that there have been four meetings on this and the budget is already set for the Health Department based on the 2-tiered structure. At 7:40 p.m. there is a short, off the record discussion between Herl and Elliott. After the discussion Herl clarified that the motion was for discussion only. Day explained his stance on the issue. Back in November he favored the single fee of \$359, which was sufficient to cover the Health Department costs at that time. He is not willing to vote for a single fee of \$382. Brittain said that back in 1996 Cherry Mosher's fees were \$197. If you added a 3% increase each year, her fees now would only be \$205. Brittain doesn't think the fee increases are fair to the restaurant owners, but he would be willing to support \$359 or even \$382 because that is what the restaurant owners are willing to pay. Wilson responded to Shotwell's concern about the Health Department budget. When the budget was approved, it included a set amount of money that they needed to collect from the restaurant owners to meet the expenses. The single fee structure still allows that to happen. Wilson asked the Board for support on the \$382, and then begin making adjustments to cut back 5% per year in the expenditures, by finding ways to work more efficiently, with the goal of being able to reduce the fees. Videto expressed frustration at reviewing an item that was already passed by a majority of the Board. The other area of concern is that we are taking one portion of the budget and "beating it to death". There are many other fee structures that have also gone up in an effort to cover the cost of those services by the users. Videto is against the one fee structure and feels that the Board should move on. Berkemeier feels that it's time to take a stand on principal. There are so many issues that the Board faces, that we don't have the luxury of spending so much time on this issue. We have already heard three different preferences just among the Commissioners that have spoke. We need to stick with what we did in November. This is not the way we need to do business. Lutchka echoed Berkemeier's sentiment, although he is in favor of the single tier fee. Lutchka also thinks if they raise the fee for some of the people involved, it should be raised for them all, non-profits included. Herl asks for a motion to close discussion. *Moved by Berkemeier supported by Shotwell to close the discussion.* Motion carried with the record reflecting a nay vote from Brittain. *Moved by Wilson supported by Smith to bring back the single fee for 2005 of \$382. Non-profits will remain the same at \$149, vending per location will remain the same at \$58, vending per machine will remain the same at \$5, STFU's will remain at \$123, Temporary remain at \$76, the Office Conference will remain at \$100, Informational Meetings will be \$125. The \$50 credit for certification is eliminated.* Roll call: (7) Nays. Cmr. Lutchka, Day, Reynolds, Videto, Shotwell, Berkemeier, & Gumbert. (4) Yeas. Cmr. Brittain, Smith Wilson, & Herl. Motion defeated.

#### **NEW BUSINESS:**

None

#### **PUBLIC COMMENT:**

Public comment began at 7:55 p.m. with David Elwell. Mr. Elwell encouraged the Commissioners to look back through their minutes of the past four months. He does not find a second reading of the two-tiered structure, but he does find a second reading of the single fee structure. He feels that there is a quagmire here, and it's worse if the Health Department has been charging the two-tiered fee.

Cherry Mosher wanted the Board to know that some good has come out of the two years of discussion. Many of the restaurant owners have become familiar with the Health Department and feel more confident working with them.

She also thinks Steve and Matt will be leading the Health Department in a good direction. There is also now an Advisory Council where these type of issues can be discussed before it gets to this point. Mrs. Mosher did not want to see the \$359 pass, as she does not think it would be enough for the Department to operate. None of the owners are trying to get out of paying our fair share. Please reconsider the \$382.

**COMMISSIONER COMMENT:**

Reynolds wanted to commend Sherry Mosher; she has acted with dignity and has helped all of the other restaurant owners.

Brittain stated that the memorandum in the agenda packet from the Health Officer had the incorrect amount of \$389 instead of \$382.

Herl feels that the new Administrator's Report is an excellent tool that provides the community with information from every department. Herl also reminds the Board that the MAC Legislative Conference in Lansing is coming up and he encouraged the Commissioners to sign up. The deadline is January 27.

Wilson thanked John Tallis for coming to the meeting. He hopes to have monthly updates from the Supervisor's Association. Wilson also commended Elliott on the new agenda, including the Administrator/Controller comments. It's taken us to a much higher level of professionalism. Wilson also asked Elliott to check with the County's attorney regarding the second reading of the restaurant fees. We need to find direction on these fees.

Videto echoed Reynolds feelings on the restaurant owners for the work that they have done, and the better relationship and communication with the Health Department. Videto expresses another concern about the debates in the past six or seven months about how to run a meeting. He would like to see the Board name someone as the Board Parliamentarian. He is informed that Elliott is going to fulfill that need.

**CLOSED SESSION:**

*Moved by Reynolds supported by Videto to go into Closed Session to discuss the Collective Bargaining Contract.* Roll call: (11) Yeas. Motion carried unanimously. The Jackson County Board of Commissioners went into Closed Session at 8:06 p.m.

*Moved by Shotwell supported by Lutchka to return to Open Session.* Motion carried. The Board returned to Open Session at 8:44 p.m.

**ADJOURNMENT:**

*Moved by Reynolds supported by Lutchka to Adjourn to the Call of the Chair.* Motion carried. The Jackson County Board of Commissioners was adjourned at 8:45 p.m.

Cliff Herl-Chairman, Jackson County Board of Commissioners  
Sandy Crowley, Jackson County Clerk  
Respectfully submitted by Erin Foster, Chief Deputy County Clerk