

Jackson County Board of Commissioners Meetings Minutes
October 16, 2007 - Regular Meeting
Jackson County Commissioners Chambers: 7:00 p.m.

CALL TO ORDER:

Chairman Shotwell called the October 16, 2007, meeting of the Jackson County Board of Commissioners to order at 7:01 p.m.

INVOCATION:

Commissioner Clifford E. Herl

PLEDGE OF ALLEGIANCE:

Led by Chairman Steve Shotwell

ROLL CALL:

County Clerk - Amanda L. Riska

(12) Present: Commissioners Herl, Lutchka, Brittain, Duckham, Poleski, Videto, Mahoney, Brown, Smith, Way, Elwell, and Shotwell.

APPROVAL OF AGENDA:

Moved by Mahoney, supported by Brittain for Approval of the Agenda. Cmr. Lutchka added item 13A8: Recommendation to appoint Gerard Cyrocki, if acceptable to him, as temporary Road Commission member in place of Karl Schmidt. Motion carried.

AWARDS & RECOGNITIONS:

None

COMMUNICATIONS/PETITIONS:

Moved Videto, supported Elwell to receive handouts. Clerk Riska handed the communications out to each commissioner.

SPECIAL ORDERS/PUBLIC HEARINGS (7:20 p.m.):

A. Public Hearing Regarding Jackson County's application to the Michigan State Housing Development Authority (MSHDA) for \$300,000 of Community Development Block Grant (CDBG) funds for single-family housing rehabilitation loans for eligible households

Public hearing opened at 7:20 p.m.

Dawn Flynn, Housing Director of the Community Action Agency, spoke about the Community Development Block Grant.

No comments from the public.

Public hearing closed at 7:23 p.m.

PUBLIC COMMENTS:

Public comments began at 7:05 p.m.

Jack Hurla spoke about the incinerator and the animal shelter.

Peggy Cox, a Ganton Drive resident, is against the animal shelter moving to her neighborhood and is upset that the commissioners did not open this for discussions first.

Jonathan Cousins, a resident of 2166 Ganton Drive, also spoke about the animal shelter. He is disturbed that an animal death camp will be in his backyard. He opposes the purchase of the property. He invited all of the commissioners to come to his house and sit on his deck to look at the view to see what it would look like to have an incinerator there.

Jim Dunn, a resident of 1205 Hampton Drive, and the present as the Summit Township Supervisor. He has reviewed the plan and his opinion is that is not the best use for the property. The use is consistent with C2 zoning with one exception, which is the incinerator. He urges the commissioners to reconsider relocating the animal shelter to another area.

Kendra Suddeth, Board Chair of the Department of Human Services. She is requesting, on behalf of the entire board, that Ron Markowski be reappointed to the board of the Department of Human Services.

Public comment closed at 7:15 p.m.

SPECIAL MEETINGS OF STANDING COMMITTEES

A. County Affairs

1. MDOT Sponsor Contract – Purchase of Wetland Credits Runway Safety Project Area

2. Resolution (10-07.41) Authorizing the County Board of Commissioners Chair, James E. Shotwell, Jr. to Sign MDOT Contract #2008-0022 (Federal Project #B-26-006-0606) for Purchase of Wetland Mitigation Bank Credits for Runway 7-25 Safety Area Project

The commissioners adjourned to meet behind Cmr. Lutchka's chair at 7:16 p.m. The meeting was called back to order at 7:20 p.m.

MINUTES

A. Minutes of the 9/18/07 Regular Meeting of the Jackson County Board of Commissioners

Moved by Herl, supported by Way for approval of the 9/18/07 Regular Meeting Minutes of the Jackson County Board of Commissioners. Cmr. Poleski asked that the commissioners who were in present or absent at the roll call be added. Mahoney asked that her request to the Acting Administrator on how to begin the process in removing the third road commissioner be added to the minutes as well. Motion carried.

CONSENT AGENDA

Moved by Mahoney, supported by Videto for approval of the consent agenda. Roll call: (12) Yeas. Motion carried unanimously.

A. County Affairs

1. Grant with MDOT for Property Acquisition Services – Tylutki Parcel #86 – Contract No. 2007-0791 Federal Project No. B-26-0052-1905

2. Mead & Hunt Contract for Land Acquisition Services – Tylutki Parcel #86

3. Resolution (10-07.37) Authorizing the County Board of Commissioners Chair, James E. Shotwell, Jr. to Sign MDOT Contract #2007-0791 (Federal Project #B-26-0051-1905), For Property Acquisition Services for the Tylutki Parcel #86

4. Quit Claim Deed and Agreement with Summit Township for a Land Transfer and Maintenance Agreement for creation of a trail head for the Falling Waters Trail located on Weatherwax Road

5. Parks Recommendation to allow Cascades Golf Course to be a Target Site for the City of Jackson/Summit Township Deer Harvest, contingent on there being no cost to the Parks Department

6. Suspension of Certain Parts of County Parks Ordinance #7 to Allow the Use of Weapons for a Controlled Deer Harvest

7. Apportionment Report

8. Resolution (10-07.40) to Authorize Issuance of Bond Anticipation Notes for Jackson County Wastewater Disposal Facility (Rives Township Section)

B. County Agencies

9. Comprehensive Community Corrections Plan and Application, Fiscal Year 2008

10. Request to Establish a Public Hearing (November 20, 2007 at 7:30 p.m.) for Consideration of a Brownfield Redevelopment Plan for Northwest Refuse, Inc. in Blackman Charter Township

11. Request to Establish a Public Hearing (November 20, 2007 at 7:25 p.m.) Regarding the Applications for U.S. EPA Environmental Assessment Grant for the Brownfield Redevelopment Authority of Jackson County

C. Human Services

12. CBDG Grant Application with CAA as Third Party Administrator

13. Resolution (10-07.39) Authorizing Application for 2008-2009 Michigan CDBG Homeowner Rehab Grant Renewal and Designating the Community Action Agency as Administrator for the Grant

14. Resolution (10-07.38) PIP Plus Participation

15. Lead Hazard Control Grant Participation by the Jackson County Health Department with the City of Jackson

D. Personnel & Finance

16. Addition of One Recovery Court Coordinator Position

17. Revised Union Employee Handbook of Personnel Policies and Procedures

18. Resolution (10-07.36) Adopting Amendment No. 5 to the County of Jackson Amended and Restated Section 125 Cafeteria Plan

19. Budget Adjustments

a. Parks

-VineyardLake
-Carryovers

b. Circuit Court

c. Register of Deeds

d. Gun Grant

e. Restoration of R2PC Budget

E. Claims – 8/1/07 – 8/31/07 and 9/1/07 – 9/30/07

STANDING COMMITTEES

A. County Affairs – Commissioner Dave Lutchka

1. Appointment to the Department of Human Services, one public member, term to 2010

Cmr. Lutchka stated that the committee recommended Sandra Marsh. Cmr Poleski moved to nominate Ron Markowski. Roll call: (10) Markowski. Cmr. Herl, Lutchka, Duckham, Poleski, Videto, Mahoney, Brown, Way, Elwell, and Shotwell. (2) Marsh. Cmr. Brittain and Smith. Ron Markowski appointed.

2. Appointments to the Agricultural Preservation Board

a. One public member with agricultural interest, term to 6/2009

Cmr. Lutchka stated that the committee recommended Juli Ann Kolbe. No other nominations from the floor. Juli Ann Kolbe appointed.

b. One public member with agricultural interest, term to 6/2010

Cmr. Lutchka stated that the committee recommended Rebecca Lozuaway. No other nominations from the floor. Rebecca Lozuaway appointed.

3. Appointments to the Board of County Canvassers

a. One public member (Democrat), term to 10/2011

Mr. Lutchka stated that the nominations are recommended by the party. The committee nominated Lou Adams. Chairman Shotwell asked for a point of order and requested Mr. Treacher speak to the issue. Mr. Treacher stated that even though the political parties are required by law to nominate three individuals, they always indicate a preference for their appointment. The Democratic preference was Kim Justin, who is also the current member. The committee nominated Lou Adams. The Administrator's Office found out today that Lou Adams is already a member of the Board of Canvassers and obviously is not eligible for another appointment. The board's choices are Kim Justin or Janelle Sadler. Mr. Brittain is curious as to why they would submit a name of someone who is already on the committee. Mr. Treacher said he certainly would have told the committee that, but he didn't know until today. Mr. Mahoney accepted the recommendation of the Democratic Committee and nominated Kim Justin. No other nominations from the floor. Kim Justin appointed.

b. One public member (Republican), term to 10/2011

Mr. Lutchka stated that the Republican Party and the committee recommended Roger Warren. Mr. Brittain asked to nominate Joan Spicer, but the clerk noted that she withdrew her application. No other nominations from the floor. Roger Warren appointed.

4. Appointment to the Land Bank Authority, one Commissioner member, term to 10/2011

Mr. Lutchka said that the committee recommended Mr. Mike Brown. No other nominations from the floor. Mr. Mike Brown appointed.

5. MDOT Sponsor Contract – Purchase of Wetland Credits Runway Safety Project Area

Moved by Lutchka, supported by Herl for Approval of the MDOT Sponsor Contract – Purchase of Wetland Credits Runway Safety Project Area. Mr. Brittain asked the amount of the grant. Airport Manager Kent Maurer stated \$97,250, and the local match would be \$2,432. He feels that 2.5% is reasonable. Roll call: (12) Yeas. Motion carried unanimously.

6. Resolution (10-07.41) Authorizing the County Board of Commissioners Chair, James E. Shotwell, Jr. to sign MDOT Contract #2008-0022 (Federal Project #B-26-006-0606) for Purchase of Wetland Mitigation Bank Credits for Runway 7-25 Safety Area Project

Moved by Lutchka, supported by Mahoney to Adopt Resolution (10-07.41) Authorizing the County Board of Commissioners Chair, James E. Shotwell, Jr. to sign MDOT Contract #2008-0022 (Federal Project #B-26-006-0606) for Purchase of Wetland Mitigation Bank Credits for Runway 7-25 Safety Area Project. Roll call: (12) Yeas. Motion carried unanimously.

7. Recommendation that a trial be started against Road Commissioner Elwin Johnson

Administrator/Controller Comment: The recommendation as passed by County Affairs does not follow state statute. The appropriate action by the Board of Commissioners would be to instruct the Administrator/Controller and Counsel to proffer charges after an investigation has been conducted.

Moved by Lutchka, supported by Mahoney to Recommend that a Trial be Started Against Road Commissioner Elwin Johnson. Mr. Duckham offered an amendment to that action: *In light of Elwin Johnson's many years of service as a county employee, his additional years of service as a Road Commissioner, and in the spirit of a smooth transition to a new County Road Commission structure, it is requested that Mr. Johnson submit his notice of retirement on or before October 26, 2007.* Amendment supported by Mr. Elwell. Mr. Poleski asked if this is an amendment that substitutes the recommendation that came from committee. Chairman Shotwell responded yes, and it also substitutes the recommendation that came from the Administrator. Mr. Lutchka thinks it makes a lot more sense than starting a trial that can't be done anyway. Vote on amendment - Roll call: (11) Yeas. Mr. Herl, Lutchka, Brittain, Duckham, Poleski, Shotwell, Mahoney, Brown, Smith, Way and Elwell. (1) Nay. Mr. Videto. Motion carried. Vote on motion as amended – Roll call: (9) Yeas. Mr. Herl, Brittain, Duckham, Poleski, Mahoney, Brown, Smith, Way and Elwell. (3) Nays. Mr. Lutchka, Videto and Shotwell. Motion carried.

8. Recommendation to appoint Gerard Cyrocki, if acceptable to him, as temporary Road Commission Member in place of Karl Schmidt

Moved by Lutchka, supported by Brittain to Appoint Gerard Cyrocki, if acceptable to him, as temporary Road Commission Member in place of Karl Schmidt. Mr. Poleski wonders if it is appropriate and allowed to appoint someone on a temporary basis. He opposes this particular item. He thinks there is a process to place permanent road commissioners and he would prefer to see that process complete before making this appointment. Mr. Elwell sent out an e-mail to all of the commissioners when he saw that it was going to be on the agenda. He does not support the motion at this time, but if there was a reason to he would. He serves on the Ad Hoc Committee with a couple of other commissioners and the other members would prefer to finish the process. He thinks they are on target to probably be making appointments at the November meeting. He encourages his fellow commissioners to

oppose the motion. Cmr. Herl stated that he will not support the motion either. He thinks the Ad Hoc Committee is on the right track. Cmr. Brittain feels that anyone that voted in favor of appointing Randy Treacher as interim is a hypocrite. He feels the reason to do this tonight is because Mr. Treacher is only one vote out of three and they still have the majority. There has been discussion that there are a lot of things that happen there that should not be handled the way that they are right now. Cmr. Brittain feels that if Gerard Cyrocki is temporarily appointed, it will no longer give them a majority and it makes sense to appoint him tonight. Cmr. Mahoney thinks that the appointment really should have done last month. The board has made a decision that we are going to make changes and a reappointment really should have been made last month. She will be supporting this motion because she really wants to see things move forward. If the board is really interested in trying to make sure that the public interest is being represented there, then to replace the other retired commissioner is certainly in order and appropriate. It will still allow the committee the time to make their recommendations to the board and go through the process next month. She thinks that by simply removing one is not showing respect of person. Cmr. Way will also be opposing the motion also and he doesn't think that this situation can be compared to the appointment of Mr. Teacher. He said that Road Commissioner Schmidt is still out there working and has tended to two issues of his issues since he has retired. Cmr. Elwell is not opposed to a temporary appointment, but he does not feel that it is a necessity. He knows that Mr. Treacher would tell them if it was. Cmr. Brittain said that Karl Schmidt is the assessor for Sandstone Township on top of being a Road Commissioner. His problem is that he has County Road Commission gas charge card and he thinks that it should be taken away. He did resign and thinks he should be allowed to retire. Cmr. Videto thinks with the situation and the circumstances that happened, in this particular case, Road Commissioner Schmidt was given an ultimatum to retire or he would lose his benefits. He doesn't feel it was an honest choice to put before him. He has respect for the Ad Hoc Committee and what they are doing. He feels that the process that we have going right now is the way to go. We are not that far away from finishing the process up and putting permanent replacements in those positions. Roll call: (4) Yeas. Cmr. Brittain, Duckham, Mahoney and Smith. (8) Nays. Cmr. Herl, Lutchka, Poleski, Videto, Shotwell, Brown, Way and Elwell. Motion defeated.

B. County Agencies – Commissioner Gail W. Mahoney

None.

C. Human Services – Commissioner Mike Way

None.

D. Personnel and Finance – Commissioner James Videto

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

A. Administrative Policy No. 5280 – Sponsorship of County Buildings and Grounds

Moved by Mahoney, supported by Brown to adopt Administrative Policy No. 5280 – Sponsorship of County Buildings and Grounds. Cmr. Elwell moved to table this motion until after tomorrow night's policy meeting, supported by Cmr. Herl. Motion to table carried.

PUBLIC COMMENTS:

Public comments reopened at 7:48 p.m.

Lynn Bollenbaugh, a resident of 2165 Ganton Drive, is opposed to the animal shelter as well for all of the reasons that have already been given. She invites all of the commissioners to come and stand in her backyard after they visit John Cousin's house.

Dewey Graves, Leoni Township resident, spoke about the Road Commission and the proposed move of the animal shelter.

Public comments closed at 7:51 p.m.

COMMISSIONER COMMENTS:

Cmr. Way spoke about a business called Partridge Enterprises. They currently service most of the veterinarians in town for the incineration and disposal of pets. He requested that the Acting Administrator check with this company as a potential subcontractor versus the county doing the incinerating. He also requested a comparison of what the utility charges are now and what they would be if incineration was discontinued and contracted out, and for the Acting Administrator is to look at other potential properties to relocate the animal shelter incinerator.

Cmr. Brittain said that everything that people spoke about during public comment were things that he brought up before voting and during discussion, especially the three bid policy. He also talked about using the money that is in the public fund to renovate the current animal shelter building and the facilities garage that is right next door to it. He thinks it would make a lot of sense to do that instead. The money is there and he doesn't think it will take more than a quarter of the money that will be spent on the new property. He also asks that all information that the commission receives to be provided to the public as well.

Cmr. Elwell did take time to go out to the Top Dog Facility to look at the buildings and the property. He doesn't think that a berm or buffer zone is out of the question. He also does not think that the location of the incinerator going there is set in stone.

Cmr. Smith's understanding is that the final decision to move the incinerator hasn't been made. She asked if the incinerator is the only thing that is bothering anyone, if it can be put someplace else or leave it where it is. She doesn't think renovating the current shelter is a good idea.

Cmr. Lutchka gets offended about us verses them regarding comments made about appointments to boards. He said we are all in this together.

Cmr. Poleski's original suggestion quite a while ago is that the appropriate place for the animal shelter would be perhaps out on Carmen Drive out by the Humane Society Shelter. One of the advantages is that the public generally doesn't really know the difference between the two anyway. He thinks that the objection to that particular idea has been that the cost to erect an appropriate animal shelter at that spot would be more than they plan to spend on buying the Top Dog buildings. Also the time needed to build those buildings is unacceptable given the health concerns that the state of Michigan has raised with respect to the existing animal shelter. He did vote in favor of the Top Dog location under the assumption that all of the costs are in the \$1.3 million dollar acquisition price and that the incinerator be placed on the site. His preference that he incinerator be put on site it to avoid transporting carcasses from point A to point B for disposal. If there is any consideration being made to not putting the incinerator on the Top Dog site, then his support of that original proposal would dissolve and he would look to move back to looking at another location, which would be Carmen Drive. It is not near any other residential area and he believes that there may be land available. He looks forward to seeing the contract that we would propose to look into with the seller. He doesn't like the idea of the contract because we would be violating our own policy by not getting three bids. He does not like how the animal shelter process is going right now. He is looking forward to discussing it further.

CLOSED SESSION:

None.

ADJOURNMENT:

Chairman Shotwell adjourned the October 16, 2007, annual meeting of the Jackson County Board of Commissioners at 7:58 p.m.

James E. Shotwell, Jr. - Chairman, Jackson County Board of Commissioners
Respectfully submitted by Amanda L. Riska – County Clerk