

**Jackson County Board of Commissioners Meetings Minutes**  
**October 17, 2006 - Regular Meeting**  
**Jackson County Commissioners Chambers: 7:00 p.m.**

**CALL TO ORDER:**

The meeting was called to order by Chairman, Steve Shotwell, at 7:03 p.m.

**INVOCATION:**

Commissioner Reynolds

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Sandra Crowley, County Clerk

Roll Call: (10) Present: Cmr. Herl, Lutchka, Brittain, Duckham, Reynolds, Smith, Gumbert, Berkemeier, Mahoney & Shotwell. (2) Absent: Cmr. Videto & Wilson. (Wilson appeared right after Public Comment was closed.)

**APPROVAL OF AGENDA**

*Moved by Mahoney, supported by Reynolds* to approve the Agenda as Published. Motion carried.

**AWARDS & RECOGNITIONS:**

**A. October Employee of the Month - Debbie Henderson**, records clerk at the Sheriff Department was unable to attend the meeting.

**B. Resolution (10-06.52) Honoring the Jackson County Health Department on Receipt of the 2006 Michigan Department of Community Health (MDCH) Director's Award to Local Public Health.**

*Moved by Herl, supported by Berkemeier* to adopt Resolution (10-06.52) Honoring the Jackson County Health Department on Receipt of the 2006 Michigan Department of Community Health (MDCH) Director's Award to Local Public Health.

Roll Call: (11) Yeas. Motion carried unanimously.

Shotwell presented the award to Shelly Bullinger and Renee Marks from the Health Department.

**COMMUNICATIONS/PETITIONS:**

*Moved by Berkemeier, supported by Reynolds* to receive a letter from the Jackson County Supervisors Association handed out by John Tallis. Motion carried

**SPECIAL ORDERS/PUBLIC HEARINGS:**

None

**PUBLIC COMMENT:**

At 7:08 p.m., Shotwell acknowledged Hanover Township Supervisor, John Tallis, who spoke in support of Bob Zenz being reappointed to the Road Commission.

Adam Ulbin, Norvell Township Supervisor, spoke on behalf of Bob Zenz also.

Regina Funkhauser spoke regarding a 10-year plan to eliminate homelessness in Jackson County. *Moved by Gumbert, supported by Lutchka* to receive the handout from Regina Funkhauser. Motion carried. (Ms. Funkhauser handed out.)

John Wilson requested information regarding the ground breaking ceremony for the Armory Arts Project.

Public Comment was closed at 7:18 p.m.

(Commissioner Wilson arrived)

**SPECIAL MEETINGS OF STANDING COMMITTEES:**

(Affairs held a special meeting behind Lutchka's desk.)

(Meeting reconvened at 7:24 p.m.)

**MINUTES:**

*Moved by Mahoney, supported by Wilson* to receive the Minutes of the August 15, 2006 Regular Meeting of the Jackson County Board of Commissioners. Motion carried.

*Moved by Mahoney, supported by Berkemeier* to **Accept the Consent Agenda Items A through E as follows:**

**A. County Affairs:**

1. Grant with MDOT for Design Engineering Services for Runway 14-32 and Taxiway "D" - Contract No. 2006-0655, Federal Project NO. B-26-0051-1606
2. Design Contract for Runway 14-32 Engineering with Mead and Hunt
3. Proposed Amendment to Community Comprehensive Plan
4. Approval of the Storm Water Pollution Prevention Initiative

**B. County Agencies:**

5. 911 Service Agreement
6. 2007 Access and Visitation Grant
7. Livestock Loss Claim

**C. Human Services:**

None

**D. Personnel & Finance:**

8. 2005 Audit - Management Letter Response
9. 2007 Workers Compensation Insurance RFP Award
10. Budget Adjustments: Friend of the Court, County Clerk and Facilities

**E. Claims:**

Claims dated 9/1/06 - 9/30/06 as presented to and approved by the Standing Committees:

- County Affairs \$ 577,767.41
- County Agencies 665,448.60
- Human Services 185,612.03
- Personnel & Finance 235,725.26

Motion carried.

**STANDING COMMITTEES:**

**A. County Affairs - Commissioner Dave Lutchka**

1. County Affairs 10/9/06 Meeting Minutes. No action required.
2. Appointment to the Mid-South Substance Abuse Commission; One Public Member with the term ending 12/31/06.

*Moved by Lutchka, supported by Mahoney* to appoint Dorothy Baugh to the Mid-South Substance Abuse Commission. Motion carried unanimously.

3. Appointment to the Land Bank Authority; Two City Representatives, One Township Representative, Four Commissioner Representatives and One Non-Profit Corporation Representative.

*Moved by Lutchka*, to appoint Two City Representatives: Dave Taylor - 1 yr. term and Frounfelker - 2 yr. term; we have no representatives from Townships in the County; Non-Profit Representative: Katherine Martin - 3 yr. term; and Four Commissioners: Gail Mahoney - 4 yr. term, DeAnn Gumbert - 1 yr. term, Pat Smith - 2 yr. term and Phil Duckham - 3 yr. term. Motion Carried. (1) - Nay - Brittain

4. Soil Erosion and Sedimentation Control (SESC) Permit Fee Increase

*Moved by Lutchka, supported by Mahoney* to approve the Soil Erosion and Sedimentation Control Permit Fee Increase.

Duckham will not support an increase this large. It's reminiscent of the restaurant inspection fee.

Look at the state of the business, the economy and joblessness that's going on. Heavy taxation is one of the reasons for this and the inspection fee is an indirect tax and it's just one more reason that people are packing up and walking away from their homes and moving to other states. Mahoney is very concerned about soil erosion. If people are going to dig and build new homes, the state has imposed that this land be able to be inspected and they have given us a mechanism that if you want to remove land, you have to have a permit. She believe the users of it should have to pay for what they want and not the rest of the taxpayers should we subsidize what somebody wants to do as far as building a home, putting in a pool, etc. The cost of this program has to be taken care of by those who are the users. Wilson agrees with some of the things Mahoney said, but when it was run out of Geoff Snyder's office, he did it for much less. For the most part, Wilson thought he did an outstanding job handling this. These increases are huge; much more than what Geoff Snyder could do it for and he doesn't think it's fair for users to pay so much compared to what Drain Commissioner Snyder was doing with those fees. He is also concerned about enforcement issues coming out of Region 2 with soil and erosion employee, Mr. Stoneburner. Wilson requested that Chuck Reisdorf, Executive Director for Region 2, be allowed to speak as to this and Chairman Shotwell called Reisdorf to the microphone. Reisdorf spoke regarding the fees. When a soil erosion and sedimentation control permit is issued and they are paid the fee, all of that goes to Jackson County. Region 2 bills the county for their services. They only get their expenses to administer the program. Wilson was concerned that originally the inspector was considered part-time without any county benefits and then it was changed without coming before the Board. More costs were added to that position that weren't originally proposed and Wilson feels that is why some of the fees have to be increased to cover these costs. Reisdorf responded that Mr. Stoneburner was still working 40 hours a week and their policy at Region 2 is that if a person works more than 32 hours per week, you are a full-time employee. A memo was sent to Administration informing them of his intentions and it was five weeks before he received a response. In that time, Reisdorf made Jerry Stoneburner a full-time employee. Reisdorf asked what the county policy was regarding full-time and part-time employees. Treacher responded that a part-time employee is between 20 and 32 hours. Reisdorf then asked how a decision is made whether a position will be a part-time or full-time position and asked for policy guidance.

Reynolds doesn't want to pay for something that you are using. It would be the same if I had to pay for someone's drivers license. Users should pay and these fees are going up everywhere. She doesn't want it to be subsidized through the county's general fund.

Brittain spoke with two representatives in Leoni Township and they explained that the way it was done while in the Drain Commissioner's Office, it worked very well and it was a lot cheaper. Brittain also spoke about a letter saying the State was going to take over this project if Snyder didn't bring it up to par. Brittain has a copy of the letter and it only states that they will take action on the violations. It's all just hearsay. Snyder was doing it for practically nothing. We could have paid \$10,000 for an employee that we had up there which would be covering this whole thing and now we're paying, I don't know what Mr. Stoneburner is making now, but it's a lot more than \$10,000 and then look at the costs we're going to incur. They're going to double. Brittain doesn't think it's fair and should go back to the old way it was handled.

Herl responds that there were about 3 or 4 letters and also people from the DEQ were involved. That's what he was told. Snyder was in violation all the way through it.

Mahoney also reported that the State was going to bill the county and the general fund would have had to support this program. Geoff did it for a lot less, but that's because he wasn't doing anything. He didn't conduct any

inspections. That was unacceptable to the State, so this Board had to take action and we did. If we have employees that work more than 32 hours, they are considered to be full-time. You can't work people more than 32 hours and not pay them full-time benefits.

Wilson reiterated his concern about the change of status regarding the inspector and then to have to look at these huge fee increases. If he was working 40 hours, fine, but the thing that bothered him was being blind-sided. It should have been communicated to the Board. Geoff did charge fees because there was money transacted because he was accused of holding those checks. He was doing the job and he never heard any complaints from any contractors or anybody involved with soil erosion when Geoff had it. The townships were happy with it. Wilson asked Reisdorf how many of these fees are refundable to the applicants. Reisdorf responded that the only fees that are refundable are the ones that are labeled cash bond.

Reisdorf also noted that it was always his understanding that the proper protocol to follow to approach a Board is through the Administrator. He will come directly to the Board if that's what the Board wants and it's okay with the County Administration, he will do it that way. The fees are a huge increase. It's 100%. - from \$75.00 to \$150.00. He would rather see them take the \$75.00 and put it in the house. We have sedimentation in this country that amounts to 125,000 football fields, 100 feet high. Our county has all kinds of lakes. Lake property has all kinds of value and people build homes on them and if we have sedimentation flowing into those lakes, what are we doing to them? It's what we value and treasure.

Shotwell calls for a vote. Roll Call: (8) Yeas; (3) Nays - Brittain, Duckham & Wilson. Motion carried.

5. Resolution (10-06.49) Authorizing the County Board of Commissioners Chair, James E. Shotwell, Jr., to Sign MDOT Contract # 2006-0655 (Federal Project #C-26-0051-1606) for Design Engineering Services for the Rehabilitation and Extension of Runway 14-32 and Taxiway "D" at the Jackson County Airport

*Moved by Lutchka, supported by Reynolds to adopt Resolution (10-06.49) Authorizing the County Board of Commissioners Chair, James E. Shotwell, Jr., to Sign MDOT Contract # 2006-0655 (Federal Project #C-26-0051-1606) for Design Engineering Services for the Rehabilitation and Extension of Runway 14-32 and Taxiway "D" at the Jackson County Airport.*

Roll Call: (11) Yeas. Motion carried unanimously.

6. 2006 Apportionment Report

*Moved by Lutchka, supported by Mahoney to accept the 2006 Apportionment Report.*

Roll Call: (11) Yeas. Motion carried unanimously.

#### **B. County Agencies - Commissioner Judy Reynolds**

None.

#### **C. Human Services - Commissioner Berkemeier**

None.

#### **D. Personnel & Finance -Vice-Chairman Lutchka**

1. Personnel & Finance 9/6/06 Meeting Minutes. No action required.

2. Resolution (10-06.50) Opposing the K-16 Spending Mandate

*Moved by Lutchka, supported by Mahoney to adopt Resolution (10-06.50) Opposing the K-16 Spending Mandate.*

Roll Call: (10) Yeas; (1) Nay - Brittain.

3. Resolution (10-06.51) in Opposition to Proposal 4 - An Amendment to the Michigan Constitution with Respect to Eminent Domain

*Moved by Lutchka, supported by Reynolds to adopt Resolution (10-06.51) in Opposition to Proposal 4 - An Amendment to the Michigan Constitution with Respect to Eminent Domain.*

Wilson asked if these resolutions would be sent anywhere once they are voted on. Shotwell responded that they will go to the Legislature and the Governor's Office and they are now public document that we've opposed them.

Roll Call: (9) Yeas; (2) Nays - Brittain & Duckham. Motion carried.

Commissioner Lutchka concluded his report at 7:52 p.m. and asked commissioners to remind Commissioner Videto that this was the shortest personnel and finance report.

**UNFINISHED BUSINESS:**

A. Purchasing Policy No. 2035 - Administration of Public Improvement Projects by the Designated County Agency  
*Moved by Herl, supported by Lutchka to approve Purchasing Policy No. 2035 - Administration of Public Improvement Projects by the Designated County Agency*

Roll Call: (11) Yeas. Motion carried unanimously.

**NEW BUSINESS:**

A. Memorandum from Randy Treacher to Steve Shotwell regarding Staffing Concerns

1. A Formal Appointment as Acting Administrator/Controller

*Moved by Mahoney, supported by Duckham to formally appoint Randy Treacher as Acting Administrator/Controller.* Motion carried unanimously.

2. Temporary upgrade for Finance Officer, Gerard Cyrocki

*Moved by Mahoney, supported by Lutchka to provide for Finance Officer, Gerard Cyrocki, a \$7,000 increase from a Grade 15 to 17.* Motion carried unanimously.

3. 10% increase for Randy Treacher as he is temporarily appointed the Acting Administrator/Controller

*Moved by Mahoney, supported by Reynolds to increase the salary of Randy Treacher by 10%.*

Brittain will not vote in favor of the raise. Had he known this was going to be brought up, he would not have voted for Randy to take over the Administrator's position. He's already stated that he doesn't want it. Gumbert agrees with Brittain as that was the direction they were taking. She would rather give him his 5 weeks of PTO than a 10% increase. Wilson reminded everyone that Randy made it clear to them that he didn't want any increase in salary and he's going to respect his wishes. Berkemeier thinks it's regrettable that Randy was put into this position and maybe it's because we don't have a firm policy in place. It is his understanding from what Randy told them is the policy, informal policy at least in Human Resources, is that there is a raise. Randy has certainly stepped in at a time when we definitely need his services and we want him to act as our Administrator/Controller at this time and he thinks it's just a matter of what is fair. If we just focus on what's fair, then he's entitled to it and we should approve it.

*Moved by Lutchka, supported by Gumbert to table the motion to give a 10% increase to Randy Treacher.*

Shotwell called for a Roll Call vote reminding commissioners that if they are voting to table, you are voting for and if you're voting not to table, you are voting against.

Roll Call: (8) Yeas; (3) Nays - Reynolds, Mahoney & Berkemeier. Motion carried to table item at this time.

4. Pay Randy Treacher for 3 weeks of PTO and payment to be made in 2006.

*Moved by Mahoney, supported by Smith to table this issue.* Roll Call: (4) Yeas - Reynolds, Mahoney, Smith & Berkemeier; (7) Nays. Motion to table defeated.

*Moved by Duckham, supported by Brittain to pay Treacher for 3 weeks of PTO.*

(Randy advised the commissioners that he would like to take a little time between now and the end of the year as he hasn't been able to take much more than a week's time this year. So he is just requesting he be paid for the 3 weeks.)

Roll Call: (11) Yeas. Motion carried unanimously.

B. Board Rule - Policy No. 4090 - Appointments to Boards/Commissions

*Moved by Mahoney, supported to Wilson to approve Policy No. 4090 - Appointments to Boards/Commission.* Motion carried unanimously.

C. Discuss changing the dates of the December Standing Committee meetings from December 4 & 5 to November 27 & 28 due to the absence of three Commissioners.

Treacher spoke regarding moving dates back and how that will affect the Board Agenda items. If you move the meetings back to November 27 & 28, please don't forget that the November board meeting is November 21. In order to prepare the Board packets, the Thursday and Friday after the Tuesday meeting are the Thanksgiving holidays and we're closed for those two days. That also means that in order to get the packets done and to you for the following Monday and Tuesday, we have to have the items for the committee agendas in before the November

board meeting and the committees will have very little, if almost no business in December other than the appointment stuff because the staff will not have had any opportunity countywide to get you any agenda items for the committees. Either way, it creates difficulty. Brittain asks if either of the committees that would not have a vice-chair available for those committees be able to hold the meeting. As long as there would be a quorum at the meeting, he would approve keeping it the way that it is. Treacher reminded everyone that the commissioners will not be on vacation, they will be on county business. There would be one committee where the chair and vice-chair would be absent and that would be Personnel & Finance. Just to be clear, Treacher noted that the three members would constitute a majority and the committee. The Chair of the Board or the Vice-Chair would not be able to vote even then under the rules. Shotwell suggests letting the three people meet and select a chair. He will be at the meeting and they can move forward with business. No action taken by the Board on changing the Standing Committee dates.

Wilson spoke about the video security tapes in the Courthouse. They are very grainy and hard to tell anything that was going on at the entrance. He spoke with Rick Bradley in District Court about upgrading the system. Wilson would like this to go to the County Agencies Agenda so that issue can be addressed. Treacher advised that money is already in the budget for new video equipment for the Circuit Court courtrooms and this has nothing to do with District Court. Wilson wanted to clarify that he was talking about the hallway security videos, not the Circuit Court courtrooms.

**PUBLIC COMMENTS:**

At 8:08 p.m., Christopher Rowe introduced himself. He is planning on turning in his application for the Road Commissioner's job by the end of the week.

Janet Rochefort, Treasurer, advised that if anyone wants to watch Jackson County property being sold, they can go to E-Bay on October 20 th.

(Public comment closed at 8:12 p.m.)

**COMMISSIONER COMMENTS:**

Reynolds spoke about how nice the NAACP Freedom Fund Banquet was this past Sunday. There were about 170 people there with representatives from the City, County, Sheriff, City Police and all different departments.

Berkemeier thanked everyone for their support, encouragement, prayers and cards last month during his family crisis.

Brittain feels the Supervisor's Association giving their endorsement to Bob Zenz for Road Commissioner should have been done after the deadline for all applicants to apply as there could be a candidate who has more knowledge and experience.

Mahoney recently attended the MAC Board of Directors meeting. She has some information regarding new commissioner training. Also, on a piece of legislation that is being proposed by MAC on taxation and economic development, she's looking at ways to help counties pre-fund retirement and health insurance. She has a letter from the Medical Care Facility to give to Randy as a result of the Human Services Committee meeting.

Wilson reminded everyone that tomorrow at 2:30 p.m. at the Cascades Manor House, the Cascades Project Plan will be presented to the Parks Board. It's a very well done plan by JJR Group and hopefully the County Parks Board will approve the plan so we can start moving forward. Wilson asked Treacher to comment on the talk he's hearing of the Lagoons Committee being disbanded tomorrow. Treacher responded that the committee was originally established by this Board and the appointments are made by this Board, so they can request to be disbanded, but it would take action by this Board to make any changes in the status of that committee.

**CLOSED SESSION:**

None

**ADJOURNMENT:**

*Moved by Mahoney, supported by Reynolds to Adjourn.* Motion carried.

The October 17, 2006 Annual Meeting of the Jackson County Board of Commissioners was adjourned at 8:17 p.m.

James E. Shotwell, Jr. - Chairman, Jackson County Board of Commissioners  
Sandra L. Crowley - Jackson County Clerk