

**Jackson County Board of Commissioners Meetings Minutes**  
**November 16, 2004 - Regular Meeting**  
**Jackson County Commissioners Chambers: 7:00 p.m.**

**CALL TO ORDER:**

Chairman Herl called the November 16, 2004 meeting of the Jackson County Board of Commissioners to order at 7:00 p.m.

**INVOCATION:**

Cmr. Mahoney

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

(9) Present: Cmr. Brittain, Day, Baxter, Shotwell, Mahoney, Berkemeier, Wilson, Elwell, & Herl. (3) Absent: Cmr. Adams, Videto, & Lacinski.

**APPROVAL OF AGENDA:**

*Moved by Mahoney supported by Brittain to Approve the Agenda as Written.* Shotwell requested that Item 12D1, Hospital Finance Authority, be moved to Item 8A2. *Moved by Wilson supported by Brittain requesting that the public be allowed to address the Board during the discussion involving Item 12C1, Restaurant License Fees.*

*Moved by Baxter supported by Brittain requesting that the audience be allowed to address the Board during the discussion involving Item 12D2 & 3, Wastewater Disposal.* Motion carried with the record reflecting a nay vote from Shotwell.

**AWARDS AND RECOGNITIONS:**

1. Presentation of Employee of the Month of November 2004 Award – Angie Duckham, Senior Center Specialist, Department on Aging. Presented by Herl with remarks by Department on Aging Director Kristy Smith.

2. *Moved by Mahoney supported by Brittain to Adopt Resolution (11-04.43) Thanking Jackson County American Legion Post 29 for its Support of the Department on Aging Nutrition Program.* Roll call. (9) Yeas. Motions carried unanimously. Resolution presented by Herl and accepted by David Welihan, Post Commander.

3. *Moved by Mahoney supported by Brittain to Adopt the Retirement Resolution Recognizing Leabra White, Deputy Drain Commissioner, upon her Retirement with 21 Years of Service.* Leabra was unable to attend this meeting.

**COMMUNITCATIONS/PETITIONS:**

None

**SPECIAL ORDER/PUBLIC HEARINGS:**

A. Public Hearing on the Hospital Finance Authority issuing hospital revenue and refunding bonds in an aggregate principal amount not to exceed \$95,000,000. Hendrik Schuur appeared on behalf of Foote Hospital and Peter Ecklund, of Axe & Ecklund, P.C.

B. Presentation of Emergency Management "Operation CBRNE" After Action Report.  
Sheriff Dan Heyns

*Moved by Shotwell supported by Mahoney to Approve the Contact for Robert Elliott to be a Consultant to the County Administrator for a One-Year Period.* Motion carried.

**PUBLIC COMMENT:**

Public Comment began at 7:27 p.m. with John Tallis speaking regarding the Farwell Lake sewer connection, asking the Board to support the sewer issue. It's an issue that has been bounced around for six years, and the residents are about to make their third payment on it. Newer houses have above ground tanks that must be pumped, because the Health Department thought the project would be under way sooner.

Joe Patrell from Hanover Township tried to get the sewer issue on the ballot for District one. They don't want the sewer system, and they have no representation on the board. Mr. Patrell asked the Board to please table this issue until they get a vote.

Dan Burich, Supervisor of Columbia Township asked the Board to support the sewer issue. This is his last meeting as Supervisor, but he will be active as a citizen.

Ed Eden, Liberty Township Supervisor asked the Board to support the sewer issue. This is also his last meeting as Supervisor; this issue has been pending for at least six years and the residents are making their third payment in December. It is important to continue to keep the infrastructure current.

Jim Phelps of Leoni Township spoke about Liberty and Hanover townships turning to the city for sewers, and then coming back to Leoni after delays. He hopes that the county will help them.

Sally Griffis of Farwell Lake asked for the Board support regarding the sewer issue. She said that at one time, you could count the number of houses on the lake on your hands, but now the lake and the outlets are full. She sees the tanker pumping septic all the time.

Kathleen Barncard asked the Board to put the bond money on hold until they have a signed contract. There was a tentative agreement one year ago in February that didn't work out, and now there is another tentative agreement. She also feels that the new houses with above ground holding tanks should not have been built until the sewer was in.

Kurt Puckett has lived on Pine Hill Lake Road for 20-years and he supports the sewers. Mr. Puckett has an office on Clark Lake, and has seen the improvement there since the sewers went in. This has been a long time coming.

George Zdeba of Pine Hill Lake supports the sewer project.

John Wilson was born and raised in Jackson, but now lives in Coldwater. Jackson Community College is at a crossroad, they are in a stage of community disconnect. Mr. Wilson feels that JCC should consider a downtown campus, built up in stories. It would be far more convenient, efficient and effective. Students could job shadow at the larger businesses downtown. It could be paid for by the sale of the existing JCC campus, revenue sharing bonds, and a millage increase. The Board needs to provide input as elected officials; they should debate and adopt a resolution directing JCC to relocate.

Judy Reynolds of Lake Columbia said that when her septic tank died, the Health Department would not let her put in another. There are new health rules. Please support the sewers; people with septic tanks have to pump them every few months. Mrs. Reynolds has flown over Clark Lake, in the past you could see brown stuff going into the lake, now, since the sewers, it is beautiful.

William S. Brown of Grass Lake introduced himself and asked the Board to support his application to the Upper Grand River Watershed Council.

Carl Schelling, past president of the Homebuilders Association spoke of his concern for the changes in the soil erosion program. It was decided at the Homebuilders meeting that they would notify all of the townships of their concerns over the change. Mr. Schelling feels it was short sighted on the part of the Board. The Drain Commissioner was resolving issues, and had a meeting set up with the DEQ. It takes time to work a program into efficiency. Mr. Schelling also has financial concerns about the possibility of other agencies taking over the program. The Homebuilders Association passed a resolution asking the Board to reconsider their decision. The fees will get totally out of hand.

Paul Climer, two times past president of the Homebuilders Association feels it's ridiculous to charge \$20 on every job. They know whether or not they need a permit. They don't have to give the Health Department or Road Commission \$20 for permits that they don't need. Please consider bringing Geoff back.

**SPECIAL MEETINGS OF STANDING COMMITTEES:**

None

**CONSENT AGENDA ITEMS:**

*Moved by Mahoney supported by Berkemeier to Approve the Consent Agenda items A through O as contained in the following Consent Agenda List:* Elwell asked to pull items A and G.

1. *Approve the Minutes of the October 14, 2004 Special Meeting*
2. *Approve the Minutes of the October 19, 2004 Annual Board Meeting*
3. *Approve the Minutes of the October 19, 2004 Closed Session*
4. *Approve the Minutes of the October 27, 2004 Committee of the Whole*
5. *Approve the Minutes of the October 28, 2004 Committee of the Whole*

**County Affairs:**

1. *Give the second and final reading of revised Board Rule 4090, Appointments to Boards/Commissions, which adds a special provision for mileage reimbursement*
2. *Give second and final reading of revised Board Rule 4120, Relationship between the County Administrator/Controller, the Board and County Departments, pertaining to Commissioner Scope of Authority and the attached procedures.*

**County Agencies:**

**Human Services:**

**Personnel & Finance:**

1. *Approve the Apportionment Report for the Year Ended 2004*
2. *Approve the 2005 Enterprise Fund Budget for the RRF (\$8,965,017)*
3. *Approve the Fair budget adjustment of \$18,988 to bring the budget in line*
4. *Approve the Medical Examiner's request for a budget adjustment of \$43,982 in additional funding*
5. *Approve the Department on Aging Home Delivered Meal budget adjustment of \$30,000, reflecting 2004 funding reductions and a higher percentage of positions receiving health insurance*
6. *Approve the Treasurer's budget adjustment transferring \$437,463.81 to Contingency*
7. *Establish a new fund (281) for the Department on Aging Millage funds*
8. *Establish a new fund (260) as the Revenue Sharing Reserve Fund*

Motion carried.

**STANDING COMMITTEE REPORTS:**

**County Affairs:**

*Moved by Day supported by Wilson to Recommend the Appointment of Jim Guerriero to the Upper Grand River Watershed Council. Moved by Brittain to Nominate William Brown. Moved by Mahoney supported by Day to close nominations and proceed to ballot.* Motion carried. Roll call: (8) Guerriero. Cmr. Day, Baxter, Shotwell, Mahoney, Berkemeier, Wilson, Elwell, & Herl. (1) Brown. Cmr. Brittain. Jim Guerriero was appointed to the Upper Grand River Watershed Council.

*Moved by Day supported by Mahoney to recommend the appointment of Commissioner Elect Patricia Smith to complete the term of Gail Mahoney on the Region II Area Agency on Aging Commission until April of 2005.* Motion carried.

Item G from the Consent Agenda: *Moved by Day supported by Mahoney to give Second and Final Reading of Revised Board Rule 4120, relationship between the County Administrator/Controller, the Board and County Departments. Moved by Elwell supported by Brittain to make a friendly amendment to replace the word "should" in Policy 4120, procedure 1, with the word "shall".* Motion carried. Motion carried on the main motion.

**County Agencies:**

## **Human Services:**

Item A from the Consent Agenda: *Moved by Mahoney supported by Day to Approve the Minutes of the October 14, 2004 Special Meeting.*

Elwell asked that the minutes reflect the reason for going into Closed Session "to discuss a legal opinion". Motion carried.

*Moved by Mahoney supported by Berkemeier to Approve the 2004-2005 Alternative Restaurant License Fee Proposal*

Open Discussion:

Cherry Mosier of Cherry's Café gave the Board a handout. She indicated that for the last seven years her fees have increased and enough is enough. She also discussed her plan for a set fee scale.

George Phebus, owner of the Hometown Restaurant asked the Board to set a standard fee. He feels that it's discriminatory to charge different fees, and he's surprised that no one has filed a class action suit. Set a standard fee for everyone and charge those with critical violations that don't come into compliance.

Rhonda Elliott of Screaming Mimi's said that her ice cream shop paid the highest fee the first year of business and paid that fee plus a 3% increase the following year, and she's just a seasonal business and she's paying the same as The Outback or Olive Garden. She urged the Board to vote no, that a multi tiered fee leaves room for errors.

David Irvine of Leoni Township asked the Board to vote no on a tiered fee structure. He feels that Cherry's plan is fair to everyone involved.

Jake Norris, a frequent restaurant patron also asked the Board to vote against the fee structure. Restaurants depend on our return business. The flat rate is fair. In the past 5 years there have been no food borne illnesses in Jackson County so there is no need for an increase as there is a minimum threat.

Ron Grimes, Director of the Health Department stated that there were about 20 food borne investigations in the last year. The Health Department is against a flat fee, as not all of the restaurants require the same amount of effort. The first proposal was based on an FDA model code with five tiers. The next proposal was a compromise of a two-tiered schedule. There are more direct costs, and the Health Department has provided the numbers. He urged the Board to adopt the two-tiered proposal.

Elwell asked if the single fee proposal was for non-profits and others. Ron answered that it would vary depending on the category. Some would be raised, but none of them would pay as much as the flat fee amount of \$359.

Wilson expressed his surprise that Steve Hall, Environmental Health Director, was not here tonight to help Ron with the figures. Wilson asked what the significant increase would be for the non-profits. Ron answered that the fee would increase from \$150 to \$200. Wilson also asked about the single fees, but Ron said that he only prepared what Human Services had recommended. Shotwell called for a point of order stating that the Board is discussing the two-tiered system today. Wilson asked the Board to vote down the two-tiered system and come back with a single fee structure. Much inefficiency has been uncovered and we are trying to cover it with more money. The fees should be equal across the board. Brittain agreed with Wilson that the fees are too high. He asked Ron how many of Michigan's 83 county's are risk based. Ron did not have that information on hand. Day would like to support the single fee, but he would like to see a 25% discount for seasonal businesses.

Berkemeier stated that he has seen many positive things come from these meetings and dialog. We have greatly improved on what we started with, but we will never make everyone happy. We need to determine the costs involved in doing the inspections and set the fee so that the money does not come from the General Fund. The uncertainty is what is frustrating to the restaurant owners, not knowing from year to year what the fee is going to be. Give them a fee, give seasonal establishments a discount, and allow the non-profits to stay the same.

Elwell said that he supports the single fee structure. It's a simple solution that is the best of both worlds. It funds the Health Department and the restaurant owners support it. Wilson would like to reconsider the flat fee, but would still like to work the 25% discount for seasonal businesses. Wilson received a letter from the Restaurant Association sharing their concerns about raising fees. All other costs have gone up and that would make it more difficult for restaurant owners. The flat fee eliminates unfair treatment. The establishments that just sell chips and peanuts still have other items such as beer and taps that need to be inspected.

Baxter asked Ron to reiterate that if we follow the flat fee, other fees will go up. Ron answered that non-profits, vending, temporaries, and enforcement fees would all be factored into that. Baxter also asked if the two-tiered system was going to increase the total revenue for the Health Department. Ron answered that the bottom line is very close. Some are going up, some are going down. Baxter said that this fee schedule would bring in \$132,000, what is last year in comparison to that. Ron answered that it was in the \$134,000 range last year for total fees generated.

Mahoney asked if that included the \$16,453 that the county kicked in? Ron said that it did not.

Wilson stated that in the proposal right now, there would be \$132,000, last year there was \$134,000 and the county chipped in over \$16,000. Do we know how many other counties have introduced risk based fee schedule, and have they doubled or tripled their fees to do this? Ron replied that he had that information at Human Services, and we are not doubling our fees. The bottom line revenue is very close. Some fees will go up, some will go down.

Wilson asked Cherry where she was getting her numbers that she had distributed. Cherry replied that you have the single fee plan from the Health Department, Steve read off each of these amounts at the last meeting. When it is said that some will increase, 207 restaurants will increase with the two-tier plan, effecting people from \$97 to \$245. With the single fee plan there are 145 increases, 183 decreases with the highest increase effecting 72 owners at \$130.

Baxter pointed out that we are trying to restructure our fee structure. There are going to be winners and losers; when you look at restructuring, that is going to happen. Why should we be arbitrarily increasing other fees to cover the restaurant fees? Baxter does feel that there should be a penalty for return infractions.

Elwell said that the \$359 is to fully support the program. The other fees that will be going up will be the vending, temporary, and non-profit.

Wilson stated that the non-profit's don't pay taxes and fair vendors don't pay city taxes. They don't contribute to the brick and mortar of the community.

Berkemeier added that enforcement action was included in the two-tier system; an office conference is \$100 and an informal hearing is \$120.

Mahoney re-reads original motion and asks for a roll call vote. Roll call: (5) Yeas. Cmrs. Baxter, Shotwell, Mahoney, Berkemeier, & Herl. (4) Nays. Cmrs.

Brittain, Day, Wilson, & Elwell. Motion to Approve the 2004-2005 Alternative Restaurant License Fee Proposal carried.

#### **Personnel & Finance:**

*Moved by Shotwell supported by Brittain to Adopt Resolution (11-04.44) to Establish and Provide for the Jackson County Wastewater Disposal Facility (Southern Regional Interceptor Section).*

Mahoney stated that she wished the townships would not use Act 185, and would allow their constituents to vote.

Brittain said that his parents live on the lake and all of the residents should have been allowed to vote.

Berkemeier interjected that it was regrettable that the people didn't get to vote, it left them feeling that the issue was mishandled. The matter has gone to court, been through recalls, and elections. It is now time for this Board to act.

Elwell offers his full support.

Baxter stated that this has been a long time coming. The entire issue falls in his district, and the people have already paid fees for a project that hasn't been started.

John Tallis said that upon the Boards approval, the project will go to bid next week and bonding will be done in January.

Roll call: (9) Yeas. Motion carried unanimously.

*Moved by Shotwell supported by Baxter to Adopt Resolution (11-04.45) to Approve and Authorize Execution of Second Amendment to Jackson County Wastewater Disposal Facility (Round/Farwell Lakes Section) Bond Contract.* Roll call: (9) Yeas. Motion carried unanimously.

*Moved by Shotwell supported by Day to Approve selling a parcel of Vineyard Lake County Park property Lot 8, Block 13, Vineyard Point Park (184' x 40') for the sum of \$11,600 as recommended by the Parks Commission and all proceeds of the sale to be earmarked for Vineyard Lake County Park improvements.* (9) Yeas. Motion carried unanimously.

*Moved by Shotwell supported by Mahoney to Approve an Amendment to the Jackson County Employees' Retirement System Resolution which clarifies the treatment of periods of short-term disability for purposes of Credited Service under the Retirement System.* Roll call: (9) Yeas. Motion carried unanimously.

*Moved by Shotwell supported by Mahoney to Award the bid for audit services for the years ended 2004, 2005, 2006, 2007, and 2008 to Rehmann Robson at a total price for each of the five years of \$42,000.*

Wilson said that the RFP was for three years, and even though Rehmann Robson's bid for five years is a big savings, Willis and Jurasek's long-range goals are for the next time that they bid. Mr. Jurasek is disappointed about the prolonged two years. An RFP should mean something.

Elwell said that Rehmann Robson received the highest rating of the point system, and that they did bid for three years but agreed to step up two years.

Brittain said that the Board didn't choose the lowest bid the last time this came up they still chose Rehmann Robson.

Mahoney interjected that they were chosen because they were the only ones who could perform GASB, the new accounting practice. Motion carried.

**UNFINISHED BUSINESS:**

*Moved by Baxter supported by Elwell to Remove Item 17 from the Agenda.* Motion carried.

**NEW BUSINESS:**

None

**CONSIDERATION & ALLOWANCE OF CLAIMS:**

*Moved by Mahoney supported by Elwell to Allow the Claims.* Motion carried.

**PUBLIC COMMENT:**

Public comment began at 9:20 p.m. with John Tallis. He thanked the Board and promised to proceed with due diligence.

Cherry Mosier expressed her disappointment with the Board. There were many mistakes in the figures and she hopes next year the Board takes more time and figures that out.

Ed Eden thanked the Board for their action tonight on the bond issue.

Jim Jannuzzi of the Home Builders Association hopes that the next time the Board decides to do something with soil erosion that effects the building industry that they consider the timing of the matter, they crippled the industry at the time when the permits needed to be in place so that we can have our employees work all year round.

Dan Burich thanked the Board. He also stated that the citizens were given a chance to have their say on the sewer projects. Advisory petitions were sent around for those in support or opposed to the project and we received more support than opposition. Mr. Burich also pointed out that without the use of Act 185, the entire township can vote on a lake issue, rather than just those affected.

**CLOSED SESSION:**

Removed under Unfinished Business.

**ADJOURN TO THE CALL OF THE CHAIR:**

*Moved by Mahoney supported by Shotwell to Adjourn to the Call of the Chair.* Motion carried. The November 16, 2004 meeting of the Jackson County Board of Commissioners was adjourned at 9:25 p.m.

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