

**Jackson County Board of Commissioners Meetings Minutes**  
**November 19, 2002 - Regular Meeting**  
**Jackson County Commissioners Chambers: 7:00 p.m.**

**CALL TO ORDER:**

Chairman Rice called the November 19, 2002 meeting of the Jackson County Board of Commissioners to order at 7:02 p.m.

**INVOCATION:**

Cmr. Mahoney

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

(13) Present. Cmr. Mahoney, McNitt, DeForest, Reynolds, Adams, Herl, Elwell, Pascal, Beardslee, Shotwell, Brittain, Day, & Rice. (2) Absent. Cmr. Lacinski & Baum.

**APPROVAL OF AGENDA:**

*Moved by DeForest supported by Mahoney to Approve the Agenda as Published.* Motion carried.

**AWARDS & RECOGNITIONS:**

A. Employee of the Month of November, Barbara Bowman, Early On Part H Coordinator, from the Health Department. Presented by Chairman Rice with comments by Renee' Marks.

B. Presentations Honoring Andy Crisenbery:

1. *Moved by Mahoney supported by DeForest to Adopt a Resolution Honoring Andy Crisenbery, Friend of the Court, for receiving the "2002 Department Head of the Year Peer Recognition Award".* Roll call: (13) Yeas. Motion carried unanimously. Presented by Chairman Rice.

2. Presentation of Award on Behalf of the Department Heads and Elected Officials who Nominated Andy. Presented by Human Resources Director Ruth Pozner.

**COMMUNICATIONS & PETITIONS:**

None.

**SPECIAL ORDER/PUBLIC HEARINGS:**

Report from the Improve Facilities Infrastructure Goals Team – Tom Hutton and Lee Dempsey. *Moved by Herl supported by Mahoney to Accept the Report from the Improve Facilities Infrastructure Goals Team.* Motion carried.

**PUBLIC COMMENT:**

Public Comment began at 7:17 p.m. with John Tallis, Hanover Township Supervisor. Mr. Tallis passed around a hand out that indicated that there was a lawsuit regarding the Hanover/Liberty Special Assessment for the sewer system. He assured the Commissioners that the court case would have no bearing on their vote tonight.

Residents voiced their concerns regarding the sewer assessment and how it came to fruition. They asked that the motion be tabled until after the December 6, 2002 court date. Their concerns were as follows:

- Petition looked like junk mail
- Petition was either stuffed in their newspaper or mailbox
- Petition was out of Grand Rapids
- Not everyone needed the sewer system
- They were all being assessed the same amount of \$10,000 whether their house was worth \$50,000 or \$300,000
- The 6.25% loan being offered to them would end up being nearly \$20,000 by the time it is paid off
- Elected Officials didn't apply for State or Federal grants
- Whether or not a study of the lakes was actually done, and by whom
- Court case pending in Circuit Court

- Pending tax tribunal filing

The residents speaking against the resolution were as follows:

- Joe Pattrel
- Roger Stevens
- Mike Woodard
- John Bogey
- Dawn Nicoson
- Tina Wells
- Barb Kewin
- Rick Cole
- Gary Gillette
- Amber Stapley
- Linda Faber
- Dan Stapley
- Noreen Taylor

Chuck Finkbeiner indicated that the Round Lake Association had been working on the Advisory Petition for 5-years. The response to the petition was 90% positive.

Ed Edin, Liberty Township Supervisor, confirmed Mr. Finkbeiner's report. The Township Board voted 5 – 0 in favor of moving forward, and Mr. Edin encouraged the Board of Commissioners to move forward.

Geoffrey Snyder, Drain Commissioner, said that the property owners who spoke against the special assessment are indicative of any special assessment district. He indicated the State and National statute states that they have a right to petition to vote within a certain amount of time.

Mr. Snyder also stated that if the Judge decides in favor of the residents at the court proceeding, the bonds would not be sold by the December 6 court date. Mr. Snyder also reminded the Commissioners that they only heard from about 20 people tonight, but that it is affecting over 600. Public works projects are never popular, but he feels that the long term benefit and savings are worth it.

Renee' Marks of the Health Department passed on that there is a concern over a food born illness in Jackson County that they are researching. They do not know if it is viral or bacterial and adjacent Counties are not reporting the illness as of yet.

Jan Rochefort, Jackson County Treasurer, reported on the last tax sale. Out of 50 properties there are only 8 remaining.

Greg Wilson requested that the Board of Commissioners not reconsider the 3% pay raise for the Road Commission. He felt that the Board should not be influenced by the Resolutions passed by the Townships. He also reminded the Commissioners that the Road Commission had failed to meet the 3 requests made to them by the Board of Commissioners.

- Marked cars
- Monthly accounting of hours worked
- CQ1 Initiative

Public Comment concluded at 8:14 p.m.

**SPECIAL MEETING OF STANDING COMMITTEES:**

None.

**CONSENT AGENDA ITEMS:**

*Moved by Mahoney supported by DeForest to Approve the Consent Agenda Items A through R as contained in the following Consent Agenda List:* Brittain requested item J be pulled.

- A. Approve the Minutes of the October 15, 2002 Regular Board Meeting
- B. Approve the Minutes of the October 15, 2002 Closed Session

**COUNTY AFFAIRS:**

- C. Accept the low bid of \$59,920 from Wise Electric, plus a 4% contingency of \$2,368 and \$3,675 for engineering, for a total cost of \$65,963 for the Tower Building switchgear project, with monies to come from the Public Improvement Fund
- D. Approve the amended 2002 Apportionment Report
- E. Approve the Parks budget adjustments in the amount of \$15,580 to bring the budget more in line with actual expenses

**COUNTY AGENCIES:**

- F. Eliminate the Community Corrections Coordinator position at the Sheriff Department and create a Corrections Sergeant position to handle Community Corrections work

**HUMAN SERVICES:**

**PERSONNEL & FINANCE**

- G. Approve moving forward with the Human Services Building project and hiring Woodard & Associates (formerly Dabbert & Fleming) for the engineering phase in the amount of \$27,000 plus reimbursable expenses, with monies to come from the 2003 budgeted amount
- H. Approve the Register of Deeds budget adjustments, which increase the General Fund a total of \$225,486.75 and approve the purchase of an adjustable workstation for the Register of Deed's scanning area (\$800) and six new chairs (\$1,700)
- I. Approve delaying the Parks payment on their \$600,000 loan from the Delinquent Tax Revolving Fund until 2005, expecting a plan by 2005 on how it will be paid back
- J. Approve the Parks beginning to plan a millage campaign for 2005 or sooner
- K. Approve the Fair budget adjustments, which decrease both the revenue and expense budgets of \$1,603,325 to \$1,310,454
- L. Approve the 2003 JTA Agreement which provides a County allocation of \$90,000
- M. Award the bid for a mobile data computer system to Kontron Mobile Computer System and associated vendors at a total project cost of \$1,956,712.85, borrowing the money from the

Delinquent Tax Revolving Fund at a 4.5% interest rate, paying the loan back from surcharge and wireless monies, and giving a semi-annual report on the loan to the County Treasurer, the County Administrator, the County Agencies and Personnel and Finance Committees

N. Approve the purchase of 14 Automated External Defibrillator units for the Sheriff Department from Medtronic Corporation in the amount of \$35,741.20 to be funded with Federal grant dollars

O. Approve Amendment #1 to the October 1, 2001 FOC CRP Agreement which will allow the Friend of the Court to bring in an additional sum of \$287,467 for the last three months of the year

P. Approve the Department on Aging budget adjustments

Q. Approve that the Bylaws of the Jackson County Employees' Retirement System be amended as follows:

**SECTION 4 CREDITED SERVICE; LOSS OF CREDITED SERVICE; REINSTATEMENT OF CREDITED SERVICE.**

Add:

4. Effective July 10, 2002 non-bargained for employees including Elected Officials may purchase up to a maximum of four (4) years of universal service credit in the retirement system; cost determined by the employee's multiplier election: 2.0% = 11.0%; 2.25% = 12.4%, 2.5% = 13.8%. Purchase is calculated on the employee's annualized base salary (calculated by multiplying the employee's current hourly rate by 2080 hours) at the time payments commence. Payment may be made as a lump sum cash payment, pre-tax payroll deduction for a period not to exceed three (3) years, monies rolled over from other qualified plans pursuant to EGTRRA, or any combination of these payment methods. Service is credited upon receipt of payment in full. An employee in the process of purchasing service credit who terminates his/her employment for any reason is entitled to a refund of those contributions.

R. Approve a November budget adjustment reflecting the decrease of approximately \$193,000 in State revenue sharing for fiscal year 2002  
Motion carried.

**STANDING COMMITTEE REPORTS:**

**A. County Affairs:** *Moved by Day supported by Reynolds to Approve for First Reading New Board Rule No. 4115, Conference/Seminar Attendance.* Mahoney indicated that she would not be supporting this motion. Herl requested roll call vote. Roll call: (10) Yeas: Cmsrs. McNitt, DeForest, Reynolds, Adams, Elwell, Pascal, Beardslee, Shotwell, Brittain, & Day. (3) Nays: Cmsrs. Mahoney, Herl, & Rice. Motion carried.

**B. County Agencies:** *Moved by Reynolds supported by Elwell to Approve the Amendments to the Animal Control and Protection Ordinance.* Roll call (13) Yeas. Motion carried unanimously.

**C. Human Services:** DeForest indicated that if they do not support this motion, they do not have a leg to stand on in court, but that they would be presenting something from the Federal Law. She stressed that the Commission needs to be pro-active in regard to health issues. *Moved by DeForest supported by Mahoney to Adopt a Resolution Repealing the Jackson County Outdoor Tobacco Advertising Ordinance, Jackson County Ordinance #9.* Roll call. (11) Yeas: Cmsrs. Mahoney, McNitt, DeForest, Reynolds, Adams, Herl, Elwell, Beardslee, Shotwell, Day, & Rice. (2) Nays: Cmsrs. Pascal and Brittain. Motion carried.

**D. PERSONNEL & FINANCE:** Item J from the Consent Agenda. *Moved by Mahoney supported by Reynolds to Approve the Parks Beginning to Plan a Millage Campaign for 2005 or sooner.* Brittain would like to see the debt forgiven so that the taxpayers would not have to pay. Adams disagreed and if the millage fails, they will have to come up with something else. Mahoney feels that would set a benchmark and others would ask to be

forgiven. Elwell indicated that the loan was given in good faith. Motion carried with the record reflecting a nay vote from Brittain.

1) *Moved by Mahoney supported by Adams to Adopt the Resolution to Authorize Issuance of Series 2002B Bonds for Jackson County Water Supply Facilities (Grass Lake Area Section)* Roll call: (13) Yeas. Motion carried unanimously.

2) *Moved by Mahoney supported by Shotwell to Adopt the Resolution to Authorize Issuance of Bond Anticipation Notes for Jackson County Wastewater Disposal Facility (Round/Farwell Lakes Section)* Brittain indicated that he would like to see this issue tabled. DeForest reiterated what Dr. Tallis said earlier and would like to see this go forward. The systems are beginning to fail. *Supported by Pascal.* Mahoney indicated that there was no formal motion made. Drain Commissioner Geoffrey Snyder indicated that it wouldn't matter because the bonds will not be sold before the December 6 court date. The Bond Anticipation Note will be paid off when the bonds are sold, if not, they will be paid with a special assessment. Elwell called Point of Order, he did not hear a motion. Adams called for the Question. Roll call vote on tabling the motion. (10) Nays: Cmrs. Mahoney, DeForest, Reynolds, Adams, Herl, Elwell, Beardslee, Shotwell, Day, & Rice. (3) Yeas: Cmrs. McNitt, Pascal, & Brittain. Motion to table failed.

Discussion continued regarding the fact that the taxpayers will end up with a special assessment if the bond issue does not pass. Roll call on the main motion. (10) Yeas: Cmrs. Mahoney, DeForest, Reynolds, Adams, Herl, Elwell, Beardslee, Shotwell, Day, & Rice. (3) Nays: Cmrs. McNitt, Pascal, & Brittain. Motion to Adopt the Resolution to Authorize Issuance of Bond Anticipation Notes for Jackson County Wastewater Disposal Facility carried.

3) *Moved by Mahoney supported by Reynolds to Adopt the Jackson County Refunding Bond Resolution for the Resource Recovery Facility.* Roll call: (13) Yeas. Motion carried unanimously.

4) *Moved by Mahoney supported by McNitt to Adopt the Resolution Approving the Undertaking to Provide Continuing Disclosure.* Roll call: (13) Yeas. Motion carried unanimously.

5) *Moved by Mahoney supported by Reynolds to Adopt the Resolution Approving a Quitclaim Deed(s) to Leoni Township.* Roll call: (13) Yeas. Motion carried unanimously.

6) *Moved by Mahoney supported by Brittain to Adopt the Resolutions Honoring Retiring Commissioners Baum, Beardslee, DeForest, McNitt, Pascal, & Reynolds.* Roll call: (13) Yeas. Motion carried unanimously.

#### **UNFINISHED BUSINESS:**

None.

#### **NEW BUSINESS:**

*Moved by Shotwell supported by Day to Approve a 3% Increase for the Road Commission.* Elwell indicated that he was not in support of this motion. The Board should be sending the message to the public and employees that these are tough times and we are responding accordingly. Adams voiced his support. All of the employees, Department Heads, and Elected Officials received their increase, why single out these three? Day echoed his sentiment. Pascal said that he sees them as Commissioners, just like the Board, and the Board denied their own increase. Brittain interjected that the Road Commissioners are not elected by the people and he would like to see their pay reduced. Roll call: (8) Yeas. Cmrs. Mahoney, McNitt, Adams, Herl, Beardslee, Shotwell, Day, & Rice. (5) Nays. Cmrs. DeForest, Reynolds, Elwell, Pascal, & Brittain. Motion carried.

#### **CONSIDERATION & ALLOWANCE OF CLAIMS:**

*Moved by Mahoney supported by Shotwell to Approve the Claims.* Motion carried.

#### **PUBLIC COMMENT:**

Public comment began at 8:55 p.m. with Steve Wellman, who introduced himself as an applicant for the Airport Board appointment to be made in December.

Ed Eden presented petitions for Karl Schmidt for the Airport Board seat.

Elwell noted that the appointments would be made in January not December.

Tom Davis, member at large of the Airport Board indicated that Rice would be the only returning member, and he would like to be reappointed to continue to assist.

Joe Pattrel does not feel that there is a pollution problem. If sewers are failing, it is the responsibility of the property owners.

Dawn Nicoson indicated that the bonds had gone through in other townships, and didn't understand why there was such a problem here. She feels there is prejudice against the people that don't live directly on the lake.

Public comment closed at 9:01 p.m.

*Moved by Mahoney supported by DeForest **to Go into Closed Session to Discuss Acquisition of Property.** Roll call: (13) Yeas. Motion carried unanimously.*

The Jackson County Board of Commissioners went into Closed Session at 9:02 p.m.

*Moved by Mahoney supported by Elwell **to Return to Open Session.** Motion carried. The Jackson County Board of Commissioners returned to Open Session at 9:22 p.m.*

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

*Moved by Mahoney supported by Elwell **to Adjourn to the Call of the Chair.** Motion carried.*

The Jackson County Board of Commissioners was adjourned at 9:23 p.m.

Jim Rice, Chairman, Jackson County Board of Commissioners  
Sandy Crowley, Jackson County Clerk  
Respectfully submitted by Erin Foster, Chief Deputy County Clerk