

Jackson County Board of Commissioners Meetings Minutes
February 21, 2006 - Regular Meeting
Jackson County Commissioners Chambers: 7:00 p.m.

CALL TO ORDER:

Chairman Steve Shotwell called the February 21, 2006 meeting of the Jackson County Board of Commissioners to order at 7:00 p.m.

INVOCATION:

Cmr. Brittain

PLEDGE OF ALLEGIANCE

ROLL CALL:

(12) Present. Cmr. Herl, Lutchka, Brittain, Duckham, Reynolds, Videto, Mahoney, Berkemeier, Smith, Wilson, Gumbert, & Shotwell.

APPROVAL OF AGENDA:

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

AWARDS & RECOGNITIONS:

A. Region 2 Area Agency on Aging's Senior Site Challenge Awards. Presented by Kristy Smith, Director, Department on Aging with Comments by Trisha Commet.

COMMUNICATIONS/PETITIONS:

None.

PUBLIC COMMENT:

Public Comment began at 7:12 p.m. with David Emmons expressing his concerns over the reduction in the amount of waste processed at the Resource Recovery Facility (RRF). Mr. Emmons feels that hiring a private firm to monitor waste disposal compliance in Jackson County is a great idea. Explanations have been put forth recently to explain the drop at the RRF, and to persuade you not to spend the money on a private firm. Recycling and reclassification of household garbage are being held responsible for the drop, but Emmons Service has been in business since 1918 and are the largest hauler by volume in the County, and yet they've only seen a 3% increase in recycling. Despite the reduction in volume, tipping fees have continued to increase each year. Hiring an outside firm to monitor the ordinance would be an immediate deterrent to those who are not following the ordinance. To some the outside firm would appear to be an additional fee. Consider the fees lost when the increased tipping fees caused refuse to be taken elsewhere. Currently there is no way to monitor where, when, and how much is being dumped in violation of the waste management ordinance. Mr. Emmons also encourages the Board to increase the penalties for those that violate the ordinance.

Patricia Burbank withdrew her application for the opening on the Mid-South Substance Abuse Council. She understands that County Affairs has recommended her for that position, but on Friday she learned of a potential conflict of interest. She thanked the Committee for considering her.

James Spink spoke in the capacity of representative of the Board of Directors of the Farm Bureau, an exhibitor, and a 4-H parent. Mr. Spink encouraged the Board to consider Dave Lutchka as a farmer, former Fair Board member, and a leader in the agricultural industry for the opening on the Fair Board. His expertise lends to making the fair a showcase and not just another carnival.

SPECIAL ORDERS/PUBLIC HEARINGS:

A. Public Hearing on Pawnbroker Ordinance:

At 7:15 p.m. Public Comment was suspended for the Public Hearing on Pawnbroker Ordinance. Bob Elliott, Administrator/Controller introduced Sheriff Dan Heyns for some introductory comments about the ordinance. Sheriff Heyns said that every year thousands of dollars in stolen property is pawned in Jackson County. The new ordinance will allow all Jackson County Law Enforcement Agencies to locate stolen property that has been pawned in Jackson County, right from the Internet connection on their computer. They can also enter into the database property that has been stolen, if it has been pawned a phone message will be automatically sent to the officer notifying him of the location of the property. You can also enter wanted people into the database and it will reflect if any of them have shown up to pawn an item. This is a very effective tool to help officers investigate stolen property. This database is of no cost to the citizen's of Jackson County. It's owned and operated by Business Watch

International, a private company. It is already up and running effectively in Ingham County. The cost to the Pawnbroker's is 75 cents per transaction. The pawnbroker would also have to have Internet access. The Board of Commissioners would establish a fee of between \$50 and \$500. At present time this will only affect two pawnbrokers in the out County area. There are about fourteen or fifteen in the City. Sandy Boor asked if the criminal could be made to offset the cost to the pawnbroker, who would be considered a legitimate businessman.

B. Moved by Mahoney supported by Brittain to have the 2nd Reading and Adoption of Ordinance to Regulate and Require the Licensing of Pawnbrokers. Roll call: (12) Yeas. Motion carried unanimously. Wilson inquired who establishes and oversees the fees? Shotwell answered that the Board will set the fees and Bob explained that the County Clerk's office will assist in the registration and the Sheriff Department will monitor the actual flow of goods.

AWARDS AND RECOGNITIONS con't:

B. Employee of the Month for February 2006: Rob Gant, Youth Specialist, Jackson County Youth Center. Presented by Shotwell with remarks by Brian Philson, Director, Youth Center.

PUBLIC COMMENT con't

Public comment continued at 7:35 p.m. with David Blume expressing reluctance to hire a private investigator to police the Waste Flow Ordinance. Until the issue of the inefficiency of the incinerator is addressed, there is no way to compete.

Janet Rochefort reminded everyone that there was a Committee of the Whole meeting on Thursday night from 6:00 p.m. until 9:00 p.m. pertaining to tax abatement and land bank use.

Rick Baxter said that he was here to give an update. He informed the Board that the budget process has just begun. The Governor has put her budget together and the House and Senate are putting theirs together. If you have any concerns, please contact him soon. There is a bill in play now pertaining to Remonumentation, striking it from the budget. This is a fund transfer; transferring from that fund to the general fund.

Pam Sass expressed her surprise at the price of trash removal after moving here 1 ½ years ago from Novi. She feels that Jackson County shouldn't be forcing the use of the incinerator, or using spies to make sure it's being used. She feels there must be a better way.

Public comment closed at 7:41 p.m.

SPECIAL MEETINGS OF STANDING COMMITTEES:

A. Personnel & Finance:

- 1) Resolution (02-06.11) Extending an Open Invitation to the President of the United States, George W. Bush.
- 2) Ratification of AFSCME Contract
- 3) Ratification of District Court Probation Agents' Association Negotiations

MINUTES:

Moved by Mahoney supported by Reynolds to Approve the Minutes of the January 3, 2006 and January 17, 2006 Jackson County Board of Commissioners Meetings. Lutchka requested that page 12 Item 10E, the appointment of James Videto should reflect to the Parks Board, not the Fair Board. *Moved by Mahoney supported by Reynolds to Approve the Minutes as Amended.* Motion carried.

CONSENT AGENDA:

Moved by Mahoney supported by Wilson to Approve the Consent Agenda Items A through E as Published.

A. County Affairs: None

B. County Agencies:

1) Friend of the Court:

a. State Court Administrative Office, Access and Visitation Grant Contract for Fiscal Year 2006.

C. Human Services: None

D. Personnel & Finance:

1) Approve the Addendum to the Jackson County Jail Food Services Contract with Canteen Services, Inc. to Include Services for the Youth Center

2) Budget Adjustment-Drunk Driving Case Flow Assistance Fund

E. Claims:

1) Claims dated 1/01/06-1/31/06 as presented to and approved by the Standing Committees
Motion carried.

STANDING COMMITTEE REPORTS:

A. County Affairs-Commissioner Dave Lutchka:

1) County Affairs 2/06/06 Meeting Minutes-no action required

2) The applicant for the Mid-South Substance Abuse Commission withdrew. *Moved by Mahoney supported by Gumbert to Redirect back to Committee.* Motion carried.

3) *Moved by Lutchka supported by Wilson to Appoint Steve Shotwell to the Economic Development Corporation, Commissioner Member, Term to 2/2012.* Motion carried.

4) *Moved by Lutchka supported by Reynolds to Adopt Resolution (02-06.5) Authorizing the Director of the Board of Public Works to Control Volumes to the Resource Recovery Facility (RRF) Under the Direction of the Board of Public Works.* Wilson will be opposing because he doesn't feel it's the Board's responsibility to put a "trash cop" in place. The Flow Control Ordinance that is in place is not completely enforceable; and may not be winnable in court. Also, the Incinerator is already burning at 92%, much more and there wouldn't be time for regular maintenance. If it gets diverted to the landfill, the haulers would be paying the Incinerator price to dump in the landfill. This ordinance is an infringement on the hauler's rights.

Berkemeier was pleased by the input of David Emmons; he is truly playing by the rules. This situation is not easy to deal with, but we must. Berkemeier agrees with Mr. Emmons that we will see an increase in the Incinerator on day one of the ordinance. We also need to consider an increase in the penalties. Duckham supports the ordinance in principal, but philosophically, he prefers smaller government and lower costs; this increases both.

Duckham would rather see an exploration of alternatives to finance the Incinerator, reducing the cost of disposal and the cost on the street of service, saving the residents of Jackson County money. Reynolds will be voting in favor of this. If people are held accountable, the Incinerator will be taking in more, and prices can go down. In the beginning, they expected a certain amount to come in, and when it didn't the price had to go up. People were going out of the County to dump. The main reason is that there are many unethical dealers dumping wherever they can find an empty lot, even if they have to go out at night and they need to be caught and held accountable.

Brittain voted against this in committee, but after the meeting he found out about the haulers taking their dumping out-county. He feels that it would be beneficial to at least try and see if it reduces the amount per ton that we are going to pay by increasing the volume. Brittain also agrees with raising the fines; he feels that \$1000 would be more appropriate than \$100. Videto feels that by passing this, we are being fair. Those that are following the rules, will continue to do so and this will improve the entire situation. Mahoney said that sometimes just having something in place is an automatic deterrent. Mahoney also agrees with Brittain that the fine should be raised as an added deterrent. Herl wanted to know what part of Flow Control is not enforceable. Brittain asked to hear from Jim Glen from the Incinerator. Mr. Glenn stated that the penalty point of the Ordinance is \$500 per day or 90 days in jail. Most of the haulers are great and abide by the rules and we need to protect them. Bob interjected that the \$100 fine is actually a reward for a person offering information that leads to a conviction. Wilson wanted to know what enforcement abilities a firm would have if hired? Would they have to have pictures or video? What do we have to stand on if we have to take this to court? Mr. Glen answered that we would hire an experienced firm that will provide whatever evidence it takes, and work with the Sheriff's Department and Prosecutor's office. It will be on a specific case-by-case basis; the firm would only come in for specific cases, not a full time basis. The Incinerator staff has been doing that for almost a year and there has been much improvement, but some of the cases just become too complicated and we want to bring in someone from outside that could put together an evidentiary package that would satisfy anyone. Brittain asked if it would be difficult to raise the fine from \$500 to \$1,000? Mr. Glen answered that the Board looked at it back in the 90's and was told for a misdemeanor that \$500 was an appropriate fine.

Wilson asked Bob how enforceable the Flow Control Ordinance is in Jackson County? Bob said that was difficult to answer because the question was posed as a legal question. The Solid Waste Management Plan has been approved

by the DEQ. Intrastate enforceability is valid within the state of Michigan. Wilson asked if there had been any case in Michigan that was ruled in favor of the hauler? Bob answered that he was not familiar with any case within Michigan. There have been cases in other states that get into the enforceability of flow control to a specific location or facility. Reynolds Called for the Question. Roll call: (11) Yeas. Cmr. Herl, Lutchka, Duckham, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Wilson, & Gumbert. (1) Nay. Cmr. Brittain. The Question passes. Main motion roll call: (10) Yeas. Cmr. Herl, Lutchka, Brittain, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, & Gumbert. (1) Nay. Cmr. Wilson. (1) Abstain. Cmr. Duckham. Motion carried.

5) *Moved by Lutchka supported by Wilson to Approve Resolution (02-06.04) Authorizing the County Board of Commissioners Chair, James E. Shotwell, Jr., to Sign MDOT Contract #2006-0090 (Federal Project #C-26-0051-1405), for Preliminary Engineering for the Rehabilitation and Extension of Runway 14-32 and Taxiway "D" at the Jackson County Airport.* Roll call: (12) Yeas. Motion carried unanimously.

6) *Moved by Lutchka supported by Brittain to Approve Resolution (02-06.7) Supporting a "25X'25" Project Endorsing on a National Level the Development of Alternative Energy Resources Through Agricultural Products.* Roll call: (12) Yeas. Motion carried unanimously.

7) *Moved by Lutchka supported by Brittain to Adopt Resolution (02-06.10) to Establish and Convene a Farmland Preservation Task Force.* Roll call: (12) Yeas. Motion carried unanimously.

B. County Agencies: Commissioner Judy Reynolds

1) County Agencies 2/06/06 Meeting Minutes-no action required

C. Human Services: Commissioner Phil Berkemeier

a. Human Services 2/06/06 Meeting Minutes-no action required

b. *Moved by Berkemeier supported by Mahoney to Adopt Resolution (02-06.9) Authorizing the Jackson County Health Department to Enter Into Mutual Aid Agreements in Region*

Roll call: (12) Yeas. Motion carried unanimously.

D. Personnel & Finance: Commissioner James Videto

a. Personnel & Finance 2/07/06 Meeting Minutes-no action required.

b. *Moved by Videto supported by Reynolds to Adopt Resolution (02-06.8) Readopting an Amended FY 2006 Budget for the Jackson County Friend of the Court Budget.* Roll call: (12) Yeas. Motion carried unanimously.

c. *Moved by Videto supported by Lutchka to Adopt Resolution (02-06.11) Extending an Open Invitation to the President of the United States, George W. Bush.* Wilson thanked Gumbert for her efforts putting the Resolution together; but added a friendly amendment. *Moved by Wilson supported by Brittain to Amend the Resolution to Include Resolution (02-06.6).* Roll call: (6) Yeas. Cmr. Brittain, Duckham, Shotwell, Berkemeier, Smith, & Wilson. (6) Nays. Cmr. Herl, Lutchka, Reynolds, Videto, Mahoney, & Gumbert. Amendment fails. Mahoney will be voting in favor of this Resolution. Duckham will be voting in favor. When the terrorists attacked on 9/11, it was meant to disrupt the economy and did. Duckham thinks the Resolution is too watered down. Roll call Main Motion: (12) Yeas. Motion carried.

d. *Moved by Videto supported by Reynolds to Ratify the AFSCME Contract.* Roll call: (12) Yeas. Motion carried unanimously.

e. *Moved by Videto supported by Reynolds to Ratify the District Court Probation Agents' Association Negotiations.* Roll call: (12) Yeas. Motion carried unanimously.

UNFINISHED BUSINESS:

A. Commissioner Appointment to the Fair Board, part 3:

Reynolds withdrew her name. Wilson nominated Lutchka. Berkemeier nominated Mahoney. *Moved by Mahoney supported by Reynolds to Close Nominations and Proceed to Ballot.* Roll call: (7) Lutchka. Cmr. Lutchka, Brittain, Duckham, Reynolds, Shotwell, Smith, & Wilson. (5) Mahoney. Cmr. Herl, Videto, Mahoney, Berkemeier, & Gumbert. Lutchka was appointed to the Fair Board.

NEW BUSINESS:

Brittain has resigned from the Ad Hoc Policy Committee and Shotwell would like to appoint Lutchka, Berkemeier supported. Motion passed unanimously.

Mahoney wanted to bring to the Board's attention the fact that Greg Wilson registered to attend the MAC Conference on February 13 & 14, but did not attend. This was a cost to the County of \$225. On February 14 the Board received a note from Wilson that he had pre-op tests for upcoming surgery. It was a two-day conference and he could have attended the first day. Some who had attended the conference also told Mahoney that this was not the first time this has happened. Wilson said that he has never missed a conference before. The anesthesiologist that was going to be working with him changed his schedule, which forced Wilson to change his. Consequently, he had to change some appointments from Tuesday evening to Monday during the day. Wilson apologized and said that he sent the letter out explaining his absence. He looks forward to the MAC Conference and feels it's very valuable. Shotwell thanked Wilson for his explanation and said that there will be no further action.

Moved by Wilson to Assign an Ad Hoc Committee to Explore Wireless Opportunities in Jackson County. Shotwell redirected this to the Administrator to be assigned to the appropriate committee.

Moved by Wilson supported by Brittain to Adopt Resolution (02-06.06) Showing Appreciation and Strong Support of our President. The Resolution was tabled at the last Board meeting and killed in committee; Wilson feels it is his responsibility to re-introduce it. Jon Williams, Chair of the Jackson County Republican Committee, authored the Resolution. Wilson thinks our Presidents' staff would look favorably on a show of unanimous support from the birthplace of the Republican Party. Wilson added that there is no question that Michigan's economy has a problem, but that can't be laid at the President's feet; we have a governor who needs to take responsibility for the state of our economy. Gumbert will not be voting in favor of this Resolution. She does not feel that the Republican Committee was forthcoming in their intent of the Resolution because she didn't find out until after the fact that the intent was to invite the President here for Black History Month. Gumbert offered to rewrite the Resolution and was told that they had already been in contact with the President's staff, and he would not be coming. This issue is also coming on the heels of the Senate race with Wahlberg and Swartz and they weren't forthcoming with their reasons. We have sent a unanimous Resolution that says exactly what we want it to say. Videto is disturbed by the fact that for the last 30 days, what the Board is trying to do here has been turned into partisan issues. Videto feels that Mahoney said it the best when she said that it is our responsibility as Commissioners to support our Country and our President. His constituents believe this is the wrong place to involve partisan politics; we are here to take care of County business. Wilson reminds the Republicans that Republicans elect them to the Board; this is a partisan office. Berkemeier supports the Resolution. This is a political body and the Resolution is not out of order, perhaps gushing, but the Resolution that was adopted was luke warm. Roll call: (8) Yeas. Cmsrs. Herl, Brittain, Duckham, Reynolds, Shotwell, Berkemeier, Smith, & Wilson. (4) Nays. Cmsrs. Lutchka, Videto, Mahoney, & Gumbert. Motion carried.

PUBLIC COMMENT:

Public comment began at 8:35 p.m. with Janet Rochefort, Jackson County Treasurer. Janet feels that the Board should talk about things that are important to the County, such as goals they should have as Commissioners. She hasn't heard a word about their 5-year goals.

Frank Donovan introduced himself as the Democratic candidate for the 4th District. He reminded the Board that they represent everyone and need to do the job for the best interest of the community, not each political party. A vast majority of the community is center of the road. Mr. Donovan is very discouraged to see partisan politics on the Board that's here to represent the community as a whole.

Public comment closed at 8:36 p.m.

COMMISSIONER COMMENTS:

Berkemeier informed everyone about a Marriage Town Hall Meeting at Lilly Mission Church on February 23, 2006 at 7:00 p.m. This has been spearheaded by the Weatherwax Foundation to help people avoid divorces and the situations that cause them. Berkemeier encouraged the Board to pass the information on to any pastor's or other people that are involved with family issues. Berkemeier congratulated Lutchka on his appointment to the Fair Board, but added that Mahoney will be missed. Berkemeier also congratulated Mr. Gant for his Employee of the Month Award.

Lutchka thanked his fellow Commissioners for their support in his appointment to the Fair Board. Lutchka also thanked Videto and Smith for volunteering to help with Project Red-Rural Education Days. Lutchka said that if anyone else would like to volunteer, he would need to know by next Friday.

Gumbert said that the Community Action Agency sent out an invitation for anyone that would like to read to the children in the Head Start program during the month of March, which is National Reading Month. Gumbert participated last year and thought it was wonderful.

Reynolds received a memo requesting items for the VA, so she became involved and got her four townships involved. Columbia High School raffled off an IPOD and raised \$600 that was used to purchase many of the items on the list.

Mahoney announced the NAACP Town Hall Meeting, Violence in the City, on February 23, 2006 at 6:00 p.m. at the St. John's Church on Mechanic Street.

Wilson said that he wouldn't be at the Committee of the Whole meeting on Thursday because he's had other obligations longer than the meeting announcement. Wilson appreciates what Berkemeier had to say about the Marriage Summit. Wilson had contacted Representative Baxter's office to see about offering counseling to people applying for marriage licenses, but there is nothing that we can do to require any kind of counseling. Wilson also appreciates the support for the Resolution to the President and reminds people that the Board of Commissioner's is a partisan body and the people who vote you in expect you to uphold the values of those parties.

Shotwell encouraged all Commissioners to rearrange their schedule to attend the Committee of the Whole Meeting on Thursday, February 23 at 6:00 p.m.

CLOSED SESSION:

None

ADJOURNMENT:

Moved by Berkemeier supported by Duckham to Adjourn to the Call of the Chair. Motion carried. The Jackson County Board of Commissioners February 21, 2006 Regular Board Meeting was adjourned at 8:47 p.m.

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