

Jackson County Board of Commissioners Meetings Minutes
May 16, 2006 - Regular Meeting
Jackson County Commissioners Chambers: 7:00 p.m.

CALL TO ORDER:

Chairman Steve Shotwell called the May 16, 2006 meeting of the Jackson County Board of Commissioners to order at 7:00 p.m.

INVOCATION:

Comr. Reynolds

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

APPROVAL OF AGENDA:

Moved by Videto supported by Herl to Approve the Agenda as Published. Motion carried.

AWARDS & RECOGNITIONS:

A. **Employee for the month of May-** Lynn Cavanaugh, Deputy District Court Clerk. She was unable to attend the meeting.

B. Quarterly Report on Economic Development Activities-Mr. Steve Czarnecki, President and CEO of The Enterprise Group of Jackson, Inc.

Mr. Czarnecki announced that Mr. Dave Miller would be leaving The Enterprise Group of Jackson to take a position in Ludington as the President and CEO of the Mason County Economic Development Growth Alliance. Mr. Miller took the opportunity to thank the Board. Mr. Czarnecki highlighted some of the new initiatives including Brownfield Redevelopment Projects, new properties, and jobs created and retained. Brittain asked about the investments quoted by Mr. Miller. Mr. Czarnecki responded that many of those were directly related to the Revolving Loan Program. Berkemeier inquired about a replacement for Mr. Miller. Mr. Czarnecki answered that they would be very careful and fill the position with someone of Mr. Miller's caliber and who would be able to address the Brownfield issues. Economic Development experience will be of most importance and there are several national professional organizations that we will be recruiting from. It is anticipated to take between 60 and 90 days. Wilson asked Mr. Czarnecki what private enterprise thought about our fractured government services and what we could do to promote the concept of consolidation of services. Mr. Czarnecki answered that as frustrated as we may become, the reality is that you are going to have this type of sparring between units of government, and our county is doing better than most. Wilson then asked if they had been able to expand the makeup of their board as far as adding educators to it, and how far have they gotten in achieving their goal for 2006? Mr. Czarnecki reviewed the different faction boards and their members and felt they had a diverse group that is the first to demand quality education from the system. He further explained some of the relationships they broker between educators and businesses. Wilson felt that they had made no move toward adding any educator's to the boards in voting positions. He asked that they move forward with getting key educator's in voting positions on the Enterprise Group Board. Wilson felt that by having "metal pounders" from the factories in town on the board, they are not helping with the goal of turning the economy towards emerging technology.

SPECIAL ORDERS/PUBLIC HEARINGS:

At this time the agenda moved forward to number 8 for a scheduled 7:30 Public Hearing.

A. Public Hearing on Project Plan for the Economic Development Corporation of the County of Jackson Production Saw & Machine Co. Project Including Issuance of Limited Obligation Revenue Bonds Not to Exceed \$4,500,000.

Dave Miller spoke and explained that in accordance with federal requirements the Economic Development Corporation is moving forward to assist Production Saw & Machine Co. in low interest financing for additional equipment for their business. Mr. Miller introduced Dave Revere, President of Production Saw & Machine Co. Mr. Revere stated that the project would create between 12 and 25 new jobs at the plant. Reynolds commented that this company is a good neighbor and has brought jobs into the area and she encourages everyone to look at this favorably. *Moved by Mahoney supported by Brittain to Close Public Hearing.* Motion carried.

Moved by Shotwell supported by Wilson to Adopt Resolution (05-06.28) Honoring Vice President David C. Miller of the Enterprise Group of Jackson, Inc for his service to the Jackson Community . Roll call: (12) Yeas. Motion carried unanimously.

AWARDS & RECOGNITIONS con't:

B. Presentation of the 2005 Audited Financial Statements for the Jackson County Road Commission – Markowski & Company: *Moved by Reynolds supported by Wilson to Accept the Audited Financial Statements for the Jackson County Road Commission.* Motion carried.

Mr. Robert Zenz, Chair of the Road Commission introduced Doug Atkins and Lori Fiero of Markowski & Company to review the Audit. Mr. Atkins apologized that the report was not handed out prior to the meeting. He indicated that if anyone had any questions following the meeting, they were welcome to contact him or he could return to another meeting. Wilson said that a few years ago they started adding value/assets to the roads of Jackson County . He asked where to find that information. Mr. Atkins referred him to page 8 and 19. Brittain asked if the retirees were vested with Jackson County . Mr. Atkins replied that the money is held by Jackson County and the Treasurer does invest that money. The report concluded at 7:45 p.m.

COMMUNICATIONS & PETITIONS:

Moved by Lutchka supported by Berkemeier to Receive Communication from Judy Dynnik, Executive Director for Jackson County Volunteers Against Pound Seizure. Motion carried.

PUBLIC COMMENT:

Public comment began at 7:46 p.m. with Judy Dynnik. Ms. Dynnik thanked Chairman Shotwell, and Cmr. Herl and Brittain for returning their survey. Ms. Dynnik also spoke pertaining to concerns of violations of the Animal Welfare Act involving policies in the Jackson County Animal Shelter.

Nancy Camden of Hanover Township discussed the Armory Arts Project, all of the artists here in Jackson that travel the country showing what they do, and the artists that come in from all around the country to the Art Fair in Ann Arbor. Ms. Camden also spoke on behalf of pets at the Animal Shelter; and of her concerns on Cmr. Wilson's representation of the County Commission on his radio program. Ms. Camden suggests the Board contact their attorney pertaining to Cmr. Wilson.

Kendra Suddeth introduced herself as a candidate for the 11 th District Commission seat.

David Miller encouraged support of the resolution under County Affairs Approving a Determination of Consistency under the Jackson County Solid Waste Management Plan.

Diane Rappleye introduced herself as a candidate for Probate Judge.

Cmr. Mahoney left at 7:58 p.m.

Michael Way introduced himself as a candidate for the 11 th District Commission seat.

John Wilson introduced himself as a candidate for the 9 th District Commission seat.

Kristen Reagen spoke against pound seizure on the grounds that mixed breed animal do not live as long and often give misleading information on medical experiments.

Public comment concluded at 8:07 p.m.

MINUTES:

Moved by Herl supported by Reynolds to Adopt the Minutes of the March 21, 2006 and April 18, 2006 meetings of the Jackson County Board of Commissioners. Motion carried.

CONSENT AGENDA:

Moved by Herl supported by Wilson to Approve the Consent Agenda Items A through E as Published. Brittain requested to remove Item A. Item A is redirected to County Affairs .

A. County Affairs :

1. Parks and Recreation Commission

a. **Elimination of a Full Time Golf Professional in the Parks Department and Creation of a Seasonal Golf Manager Position.**

B. County Agencies:

1. Animal Control:

a. **Bequest of \$5,000 to the Jackson County Animal Shelter from the Estate of Ruth M. Mann.**

C. Human Services:

1. Community Action Agency:

a. **Community Development Block Grant Housing Rehabilitation Program Administration Contract Between Jackson County and Community Action Agency.**

D. Personnel & Finance:

1. Budget Adjustments:

a. **Health Department**

b. **Friend of the Court**

E. Claims:

1. Claims dated 4/01/06-4/30/06 in the amount of \$1,890,553.60 as presented to and approved by the Standing Committees.

Motion carried.

STANDING COMMITTEES:

A. County Affairs – Commissioner Dave Lutchka

Item A-Consent Agenda. **Moved by Lutchka supported by Wilson to Approve the Elimination of a Full-Time Golf Professional in the Parks Department and Creation of a Seasonal Golf Manager Position.** Brittain is opposed to the taxpayers having to pay any of the salary, even seasonal. It was suggested back in 1998 to assess the golfers an additional fee of fifty cents to cover the wage. Motion carried.

1. County Affairs 5/08/06 Meeting Minutes-No action required

2. **Moved by Lutchka supported by Wilson to Concur with the County Affairs Recommendation to Appoint Ronald Jones to the Cascades Renovation Project Committee-One Public Member to May 2007.** Motion carried.

3. **Moved by Lutchka supported by Wilson to Concur with the Chair's Appointment of Gail Mahoney to the Retirement System Board.** Motion carried.

4. **Moved by Lutchka supported by Herl to Adopt Resolution (05-06.27) Authorizing the Jackson County Airport Board to Facilitate the Sale, Lease and/or Marketing of 68 Acres of Jackson County Property Located North of I-94 in Blackman Charter Township.** Roll call: (11) Yeas. Motion carried unanimously.

5. **Moved by Lutchka supported by Gumbert to Adopt Resolution (05-06.23) Approving a Determination of Consistency Under the Jackson County Solid Waste Management Plan for Citing of a Transfer Station/Processing Plant for Northwest Refuse, Inc., in Blackman Township.** Roll call: (11) Yeas. Motion carried unanimously.

6. **Moved by Lutchka supported by Reynolds to Adopt Resolution**

7. (05-06.25) Approving Project Plan and Plan of Financing for Issuance of Bonds, Production Saw & Machine Co. Project. Roll call: (11) Yeas. Motion carried unanimously.

8. **Moved by Lutchka supported by Herl to Adopt Resolution (05-06.24) Approving Soil Erosion and Sedimentation Control Agreement with Region 2 Planning Commission and Designating Region 2 Planning Commission as the County's Soil Erosion and Sedimentation Control Enforcing Agency.** Brittain will oppose this resolution because more money could have been saved if it had been left in the Drain Commissioner's office. It was not being handled appropriately because of confusion on the part of the Drain Commissioner and the Treasurer's office. Lutchka added that Region 2 was directed to come before the County

Affairs committee with a new fee schedule at the June meeting to cover the cost of this new program. Wilson feels that the vote should be held off until the new fee schedule has been negotiated. Wilson made a motion to table, but Shotwell explained that the resolution had to be in place in order to establish the fees. Wilson withdrew his motion. Roll call: (9) Yeas. Cmr. Herl, Lutchka, Reynolds, Videto, Berkemeier, Smith, Wilson, Gumbert, & Shotwell. (2) Nays. Cmr. Brittain and Duckham. Motion carried.

B. County Agencies-Commissioner Judy Reynolds.

1. County Agencies 5/08/06 Meeting Minutes. No action required.

C. Human Services – Commissioner Phil Berkemeier

1. Human Services 5/08/06 Meeting Minutes. No action required.

D. Personnel & Finance – Commissioner James Videto

1. Personnel & Finance 5/09/06 Meeting Minutes. No action required

2. *Moved by Videto supported by Berkemeier to Adopt Resolution (05-06.22) Advocating the Restoration of State Revenue Sharing for Michigan Counties.* Roll call: (11) Yeas. Motion carried unanimously.

3. *Moved by Videto supported by Brittain to Adopt Resolution (05-06.26) Authorizing the Sale of Surplus County Furniture.* Roll call: (11) Yeas. Motion carried unanimously.

4. County Policy Manual:

a. *Moved by Videto supported by Gumbert to Adopt Policy 5230, Agenda Preparation for Board of Commissioners and Regular Meetings.* Roll call: (11) Yeas. Motion carried unanimously.

b. *Moved by Videto supported by Gumbert to Adopt Policy 5240, Management Meetings.* Roll call: (11) Yeas. Motion carried unanimously.

c. *Moved by Videto supported by Lutchka to Adopt Policy 5250, Media Relations.* Roll call: (11) Yeas. Motion carried unanimously.

d. *Moved by Videto supported by Berkemeier to Adopt Policy 5260, Department Head/Elected Official Meetings.* Roll call: (11) Yeas. Motion carried unanimously.

UNFINISHED BUSINESS:

A. Re-adoption of the 2006 Board Rules- *Moved by Wilson supported by Brittain to Amend Policy 4040 to Move Commissioner Comments to #10, After Public Comment While also Retaining Commissioner Comment at the End of the Agenda.* Lutchka feels that is what discussion is for during the motion. Wilson thinks that the Commissioners should be able to address issues brought up by members of the public directly following Public Comment in the event the person decides to leave before the end of the meeting where Commissioner Comment now falls. Videto feels that a debate would ensue. Roll call: (5) Yeas. Cmr. Brittain, Duckham, Berkemeier, Smith, & Wilson. (6) Nays. Cmr. Herl, Lutchka, Reynolds, Videto, Gumbert, & Shotwell. Motion to Amend fails.

Brittain addressed Policy 4050-“When a motion is on the floor, there shall be no audience participation unless authorized by the Chairperson”. It used to be “Unless requested by a member of the Board of Commissioners”. If there is someone in the audience that has expertise on an issue, they should be allowed to speak. Wilson concurs with Brittain, it’s wrong to take the audience out of participation. We are doing a disservice to the community by allowing the Chair, who may or may not want to qualify information from the audience, to make the decision. This policy should be returned to its original form and remove the authorization of the Chair for audience participation. Lutchka said that we can still ask the Chair to allow a person to speak; this helps to maintain order. Berkemeier feels that the rules allow for significant public participation, at the beginning of the meeting, end of meeting, and with the approval of the Chair. We need to have enough confidence in our Chair to trust them to make appropriate decisions upon our request. Only in certain circumstances it might not be desirable to hear from someone; perhaps due to the number of people in the audience that are speaking to the issue. The rule as revised would serve the Board well and not significantly limit the public’s ability to participate. Videto has seen the old way used to “load up” on a particular issue. We have a Chair that will allow any legitimate request for comments. *Moved by Wilson supported by Brittain to Amend Policy 4050 to Re-Insert and Include the Line “Except When Requested by a Member of the Board of Commissioners”.* Roll call: (9) Nays. Cmr. Herl, Lutchka, Duckham, Reynolds, Videto, Berkemeier, Smith, Gumbert, & Shotwell. (2) Nays. Cmr. Brittain & Wilson. Motion failed. Main Motion Roll

call: (8) Yeas. Cmr. Herl, Lutchka, Reynolds, Videto, Berkemeier, Smith, Gumbert, & Shotwell. (3) Nays. Cmr. Brittain, Duckham, & Wilson. Motion carried.

NEW BUSINESS:

None.

PUBLIC COMMENT:

Public comment began at 8:31 p.m. with Earl Poleski introducing himself as a candidate for the 5 th District County Commission seat.

Jon Williams introduced himself as a candidate for the 9 th District County Commission seat.

David Miller thanked the Board for their Resolution, affirming the two issues he brought forth tonight, and also for allowing him the opportunity to serve.

Nancy Camden said that all that is wanted is an Animal Shelter, community, and a county that we can be proud of. The shelter violations are very serious. Ms. Camden sees Jackson County dragging its feet on the issues often.

Public comment concluded at 8:37 p.m.

COMMISSIONER COMMENTS:

Smith conveyed her personal experience of her dog accidentally getting out and ending up in the Animal Shelter. She didn't know that they only hold them for four days, and she was concerned because when you call, you can't talk with a person, only a telephone tree. She said the only way to know if your animal is there, is to actually go there. People should be able to call to find out if their animals are there. Gumbert clarified that it was the Animal Shelter and not the Cascades Humane Society.

Berkemeier appreciated Judy Dynnik for bringing these violations to the Board; we need to follow through and find out if these were misunderstandings. The community might also be well served by examining the shelter hours and determining if Saturday hours may be in order. Berkemeier also commended Sally Griffis on the entertainment for this year's fair. Finally, Berkemeier spoke highly of Dave Miller, wished him well, and thanked him for his service to the community.

Reynolds, as Chair of Agencies which the Animal Control falls under, has written down comments such as the Saturday hours and the four day retention instead of five. Reynolds will be looking into these issues. Reynolds spoke of the many contributions of Frank Myers; and the loss that will be felt.

Wilson congratulated Duckham on his recent election victory. Wilson also commented on the radio show, and the fact that there is a standing invitation for all involved in local government to appear on the show. If you are not willing to accept the invitation, you should not be criticizing the people that will.

Herl announced that there was going to be a meth workshop at the Health Department on May 23 at 9:00 . Herl also passed on that the National Guard, Transport Division out of Jackson County will be leaving for Iraq. They asked to use the Grandstand at the fair on a Saturday, early in the morning, and they would clean up, but were refused because of the contract with the Racing Commission. Herl feels that it is very unfortunate that the troops and their loved ones couldn't use the Grandstand and he hopes it ends up in the paper. Lutchka added that the Fair Board is in support of the troops using the Grandstand, but the Racing Board that holds the contract will not let them use the Grandstand.

Duckham was pleased to see the sale of the All Seasons Resort in Grass Lake, but disappointed that he had to read about it in the newspaper.

Shotwell informed the audience that the Administrator indicated that he would have an answer pertaining to the Animal Shelter within 30-days; and he will also speak to Duckham about his issue on the property.

ADJOURNMENT:

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

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