

**Jackson County Board of Commissioners Meetings Minutes**  
**May 17, 2005 - Regular Meeting**  
**Jackson County Commissioners Chambers: 7:00 p.m.**

**CALL TO ORDER:**

Chairman Herl called the May 17, 2005 meeting of the Jackson County Board of Commissioners to order at 7:01 p.m.

**INVOCATION:**

Cmr. Videto

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

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

**APPROVAL OF AGENDA:**

*Moved by Mahoney supported by Reynolds to Approve the Agenda as published.* Shotwell asked to have the Chair's appointment of Charles Adkins to the Retirement System Board added under County Affairs. *Moved by Mahoney supported by Reynolds to Approve the Agenda as amended.* Roll call: (12) Yeas. Motion carried unanimously.

**AWARDS & RECOGNITIONS:**

A. Certificate of Appreciation to Michigan International Speedway (MIS) in the promotion of the 2<sup>nd</sup> Annual NASCAR Day on May 20, 2005. Presented by Chairman Herl with remarks by Alisha Engel, Community Relations Manager.

**COMMUNICATIONS & PETITIONS:**

None.

**SPECIAL ORDERS/PUBLIC HEARINGS:**

None.

**PUBLIC COMMENT:**

Public comment began at 7:15 p.m. with Steve Czarnecki of the Enterprise Group. Mr. Czarnecki encouraged the Board to vote in support of the sale of the Kresge Building. He also thanked the Board for involving the Enterprise Group in the effort to secure a buyer for that building. Mr. Czarnecki announced that Commonwealth Associates, who, at one time had 2,000 employees in our community, then in the late seventies they went down to almost no employees, now have 130 employees today. Today in Lansing, the state approved a mega-grant, which will keep them from leaving our community and going to Atlanta. They will also be adding 50 new high-tech, high paying positions. It is very extraordinary that we have a world-class engineering firm in our community that has recovered from very bad times. They are also going to be adding 2 million dollars in new investment in their current operations to expand their current facility.

Dennis Boley addressed the Board with his feelings that the Friend of the Court (FOC) is broken, and needs to be fixed. Mr. Boley spoke of his ex-wife, who was awarded custody of their children, and her brother, doing drugs, lying in court, and destroying the home that he built. He reported to the FOC that his son wanted to live with him. His son also wrote 5 letters to the judge, but nothing was done.

Kent Maurer, Airport Manager spoke next against the proposal to eliminate the 13 deputy positions here in the county. He asked the Board to keep some things in mind while they are deliberating. He stated that there is a common misconception that anyone with the title of "deputy or assistant" is just waiting in the wings to fill in during the absence of their boss. The Assistant Airport Manager has 16 job duties listed as the primary responsibilities, only one of those mentions filling in for the Airport Manager. If this proposal were to pass, those 15 key responsibilities listed on the Assistant Airport Manager's job description would go undone. This would cause immediate detrimental impact on the operation of the airport. Daily duties inherent to that position are vital to the success and safety of the airport.

Eric White, Chair of the FOC Advisory Board, concurs with the FOC recommendation to eliminate this committee. The issues that Mr. Boley described are not within the powers of this committee and are better addressed legislatively. At the last meeting a gentleman showed up and aired many of the same complaints that Mr. Boley had, and left more frustrated than when he came. The committee is basically a sounding board. Mr. White stated that if he had know how powerless they are, when he was asked to serve on this committee, he would have never agreed to serve. The board basically serves no purpose. The legislature has recognized that with the recent change to make it an option. Doing away with the FOC Advisory Board is the best alternative.

Shirley Johnson spoke next concerning the FOC Advisory Board. She had applied for the Board. She feels that the children are being pushed aside. Everyone must answer to someone, and if we do away with the board, where will people go when they have a complaint?

Dan DeBolt of Washtenaw County, and Executive Director of the Family Rights Coalition of Michigan, said that the FOC Advisory Board in Washtenaw County continued to meet, but were unable to make a quorum for ten months. This resulted in the disbandment and a lawsuit filed against the State Court Administrator, who resigned after the court case. Mr. DeBolt said that Darren Binkley is a friend, a fellow advocate, and a member of our organization. He is extremely knowledgeable about the FOC Act and the operation of the particular programs here in Jackson County. Mr. DeBolt gives the Board his wholehearted recommendation to consider Darren Binkley as a highly qualified candidate.

Fred King introduced himself as a candidate for the Emergency Management Advisory Council.

Darren Binkley read the following: "The Citizen's Advisory Committee reviews and investigates grievances concerning the FOC. They advise the court and the County Board on the office of the FOC and the FOC's duties and performance and the communities needs relating to the office's services". Mr. Binkley agrees with Mr. White that many of the issues need to be solved legislatively, but that process starts locally, with County Board members. Jackson would be taking a large step backwards if they disband this committee and leave their citizens with no place to air their grievances.

Public comment closed at 7:33 p.m.

#### **AWARDS & RECOGNITIONS con't**

B. Presentation on the Homeland Security, Emergency Management Grant in the amount of \$596,629 to the Jackson County Sheriff Department by Sheriff Dan Heyns. The Sheriff explained that most of the credit for this grant goes to the Emergency Management office, currently run by Lt. Steve Rand and during the time when much of this application process occurred, it was under the direction of Captain Kevin Stellingworth and Stephanie Baker. The City and the County jointly fund this; it is the Sheriff's Department that responds to natural or man-made disasters. The release from the Governor's office reflects that Jackson County did very well in comparison to other counties. The reason is that we did the planning, risk assessment, and the training. When the State asked for applications for Home Land Security and plans for how the money was to be used, Jackson County was ready. The money will be used to resolve the longstanding problem with the radio system. It was learned post-9-11 that we did not have the capability to communicate between departments and agencies as well as we should. A committee was formed of fire fighters and police officers to study the radio system and how we could make it work in the event of a large-scale emergency. Reynolds said that one of her townships had a big problem with this. She wanted to know if they are on-board with this now? The Sheriff responded that he hopes so. This has to be a solution that everyone must be comfortable with. Reynolds asked if they have been able to solve the problem of two different radio types going into the fire department? The Sheriff answered that there is a system that maintains many of the same frequencies used now, but we will be able to switch to a frequency that we all share. The Sheriff went on to say that this has been a project driven by finance. We came up with a cost effective solution that this community can afford. Day asked if any of the money would be used to purchase out-county sirens. The Sheriff responded that he hopes to have funds left after this project and it will be distributed equally. Berkemeier asked if this is including the surrounding counties. The Sheriff said it was stated in the RFP that we must be able to communicate with those counties. Brittain asked if there were any known Al-Qaeda ties in Jackson. Sheriff Heyns answered that they receive regular briefings from the FBI, and there is no known terrorist cell in Jackson. There is much more movement in that direction in the Detroit area.

#### **SPECIAL MEETINGS OF STANDING COMMITTEES:**

- A. County Affairs Committee  
1. Appointments of the Emergency Management Advisory Council

#### **MINUTES:**

*Moved by Reynolds supported by Gumbert to Approve the Minutes as published.* Roll call: (12) Yeas. Motion carried unanimously.

**Consent Agenda:**

*Moved by Mahoney supported by Reynolds to Approve the Consent Agenda Items A through E as follows:*

1. ***Claims dated 04/01/05 – 04/30/05 as presented to and approved by the Standing Committees.***
2. ***Sidewalk Easement Agreement to Blackman Township***
3. ***Amendments to Economic Development Corporation (EDC) By-Laws.***
4. ***Inmate Pay Phone Service Agreement – Sheriff Department***
5. ***Acceptance of 2004 Annual Report of the Jackson County Health Department.***

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

**STANDING COMMITTEE REPORTS:**

**A. County Affairs-Commissioner Day**

1) *Moved by Day supported by Wilson to send the Reduction of 13 Deputy/Assistant Positions in the 2005 Annual Budget to the Committee of the Whole meeting May 25, 2005.* Roll call: (9) Yeas. Cmr. Lutchka, Brittain, Day, Reynolds, Shotwell, Mahoney, Smith, Wilson, & Herl. (3) Nays. Cmr. Videto, Berkemeier, & Gumbert. Motion carried.

2) *Moved by Day supported by Reynolds to Appoint the following to the Emergency Management Advisory Council:*

Sheriff Heyns or representative

City Police: Lt. John Holda

City Fire: Assistant Chief Brian Thurston

Michigan State Police: F/Lt. James Shaw

Township Fire Chief: James Hesselgrave

Township Police Chief: Mike Curry

Emergency Medical Services: Dirk Borton (Jackson Community Ambulance)

Jackson County Medical Control: Jill Glair.

Roll call (12) Yeas. Motion carried unanimously

*Moved by Day supported by Reynolds to Appoint Fred King to the Emergency Management Advisory Council.* Shotwell nominated Barry Gibson. *Moved by Mahoney supported by Reynolds to Close Nominations and Proceed to Ballot.* Motion carried. Roll call: King (10) Cmr. Lutchka, Brittain, Day, Reynolds, Videto, Berkemeier, Smith, Wilson, Gumbert, & Herl. Gibson (2) Cmr. Shotwell & Mahoney. Fred King is appointed to the Emergency Management Advisory Council.

3) May, 2005 Appointments

b. *Moved by Day supported by Brittain to Recommend the Appointment of Mark Jamieson to the Emergency Medical Service Commission.* *Moved by Mahoney supported by Brittain to Close Nominations and Cast a Unanimous Ballot.* Roll call: (12) Yeas. Motion carried unanimously.

c. *Moved by Day supported by Reynolds to Appoint Shirley Johnson to the Friend of the Court Advisory Committee.* Mahoney expressed concern that this committee had not been meeting. The Board asked Administration to look into all of the appointments that the county made and track people's attendance. If this committee has not met in over a year, why didn't we know it? We are supposed to get minutes from all of these outside committees. Have there been complaints that have been made that have not been addressed? The Board should get answers to these questions before they arbitrarily appoint someone to a committee that may no longer be useful. *Moved by Mahoney supported by Berkemeier to Table the Appointment of the Friend of the Court Advisory Committee.* Roll call: (7) Yeas. Cmr. Lutchka, Shotwell, Mahoney, Berkemeier, Smith, Gumbert, & Herl. (5) Nays. Cmr. Brittain, Day, Reynolds, Videto, & Wilson. Gumbert stated that the County Agencies meeting this month they had asked for all of that information. Brittain said that he spoke with Karen Robinson, and she said that the information couldn't be given out because they are confidential complaints. New legislation has been passed to allow the information to go before advisory committees, so they should be able to meet now.

d. *Moved by Day supported by Berkemeier to Appoint Ada Dalton to the Jackson County Jury Board.* Roll call: (12) Yeas. Motion carried unanimously.

4) Proposed Landing Fee and Fuel Flowage Fee Increases. No action required-first reading.

5) *Moved by Day supported by Mahoney to Approve Resolution 05-05.22 to assist Grass Lake Township and Grass Lake Village with additions and extensions to existing Jackson County Wastewater Disposal Facility (Village of Grass Lake section) and Jackson County Water Supply Facilities (Grass Lake area section).* Roll call: (12) Yeas. Motion carried unanimously.

6) *Moved by Day supported by Reynolds to concur with the Chair's appointment of Charles Adkins to the Retirement System Board.* Roll call: (12) Yeas. Motion carried unanimously.

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

1. *Moved by Reynolds supported by Brittain to Approve the Proposed Revisions to Animal Control and Protection Ordinance.* Roll call: (12) Yeas. Motion carried unanimously.

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

No report

#### **D. Personnel and Finance-Commissioner James Videto**

1) *Moved by Videto supported by Reynolds to Approve the Amendment to Policy 4150 (Committees) regarding pre-approval of travel requests for the Board of Commissioners and the Administrator/Controller.* Roll call: (12) Yeas. Motion carried unanimously.

2) *Moved by Videto supported by Reynolds to Approve the Amendments to the Compensation and Classification Plan for the County of Jackson Information Technologies Personnel.* Mahoney expressed disappointment that we asked for a study and it showed that our IT department was being underpaid; we removed the bonus from that department, consequently losing several people. Mahoney thinks we asked for the study, expecting it to come back and show that the department was being fairly compensated and we should have removed the bonus. That's not what happened. It showed our people as being grossly underpaid compared to our comparable counties. Then we arbitrarily remove the director from the study and only focus on the employees. Mahoney attended a breakfast this morning pertaining to employee moral and reassuring employees that the county is going to look at issues separately and not just arbitrarily make cuts. Now she reads her packet and finds that Personnel and Finance are removing the director from the study. Mahoney wanted to be on record as saying that she is not happy about that. *Moved by Brittain supported by Lutchka to Table this issue until a combined City/County IT Department can be researched.* Roll call: (8) Nays. Cmsrs. Lutchka, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Gumbert, & Herl. (4) Yeas. Cmsrs. Brittain, Day, Smith, & Wilson. Motion to table fails. Mahoney asks the Administrator to speak to the issue. Mr. Elliott stated that he was originally reserved about going forward with the compensation adjustments for the IT personnel, because we know that we have outdated compensation program. One of the budget recommendations is to look at that program. But the severity in the lack of competitiveness on these positions warranted that we proceed. Mr. Elliot was comfortable removing the department head from this because that would open up equity issues with other department heads. This is under the assumption that we are going to be looking at all of the positions in the future. Lutchka stated that's why he made the motion to drop "2007" because we are going to be looking at partnering with the city, and we hope to do that before 2007. Videto does not believe that Personnel and Finance made the decision to remove the director. The only change committee made was to remove "2007". Mahoney asked Mr. Elliot what recommendation was originally sent to committee. Mr. Elliott answered that this issue went through several months of consideration, and during that time the department head was removed. Berkemeier agreed. Mahoney summed it up by saying that the Administration submitted the entire package, but the Board removed the director because of future plans, and she feels that's clearly not fair. Day said that a few years ago, they named a deputy director, and he's not even on the study. Roll call: (8) Yeas. Cmsrs. Lutchka, Reynolds, Videto, Shotwell, Berkemeier, Smith, Gumbert, & Herl. (4) Nays. Cmsrs. Brittain, Day, Mahoney, & Wilson. Motion carried. Wilson asked if these increases had been already factored into the budget. He was told that they were not.

3) *Moved by Videto supported by Reynolds to Approve Resolution 05-05.24 Amendment No. 3 to the County of Jackson Amended and Restated Section 125 Cafeteria Plan.* Roll call: (12) Yeas. Motion carried unanimously.

4) *Moved by Videto supported by Reynolds to Approve the Proposed Human Resources Department Reorganization. Moved by Wilson supported by Brittain to return this issue back to Personnel and Finance.* Wilson said that he has some questions that need to be asked and should probably be done in closed session as it pertains to Joni Johnson. Mr. Elliot wanted to bring to the Boards attention that the exhibit has an error. It reflects the Human Resource Specialist position being removed; it should in fact reflect the Administrative Assistant positions are removed. Roll call on the motion to table: (7) Nays. Cmsrs. Lutchka, Reynolds, Videto, Shotwell, Berkemeier, Gumbert, & Herl. (5) Yeas. Cmsrs. Brittain, Day, Mahoney, Smith, & Wilson. Motion fails. Reynolds asked Wilson why he didn't ask his questions of the Administration before the meeting. Wilson said that he did talk to the Administrator prior to the meeting and asked if he would concur on the tabling of this motion because the

questions that he has are of a personal nature concerning Joni Johnson. Reynolds said that she objects to going through this every meeting, questions should be answered before the meeting. We have our packets in advance, and you should read them in advance. Wilson said that he has questions that have to be answered before he can cast his vote. Wilson asked if Joni would prefer to go into closed session. Joni answered that she would. Mr. Elliot said that there is no motion to go into closed session, the motion before the Board pertains to the Human Resources reorganization. *Moved by Gumbert supported by Mahoney to Call for the Question.* Wilson said that his questions have not been answered. Shotwell said that any questions that he has should be institutional in nature and not personal. We are dealing with the reorganization of a department. Anything that is personal in nature should be between the Administrator and his subordinate staff. Wilson said that his questions pertain to Joni's ability to handle the position based on past performance issues that he has put in writing to both the Administrator and the Commissioners. Herl states that Wilson is out of order by bringing up personal issues. Shotwell pointed out that Joni is already the Deputy. Wilson said that she is going from a pay grade 14 to pay grade 16. She is getting a demotion from Interim Human Resources Director to deputy with a promotion. Brittain agrees with Wilson that she should not get a demotion with a promotion, and that Wilson is just stating facts. Brittain feels that the person in the position has done many things wrong, and that is the reason that Wilson wants to go into closed session. Brittain thinks things should be brought out in the open. If we don't go into closed session, perhaps our comments will be made during Commissioner Comment. Roll call on Calling for the Question: (10) Yeas. Cmr. Lutchka, Day, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Gumbert, & Herl. (2) Nays: Cmr. Brittain and Wilson. Roll call on Human Resources Reorganization: (9) Yeas. Cmr. Lutchka, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Gumbert, & Herl. (3) Nays. Cmr. Brittain, Day, & Wilson. Motion carried.

5) *Moved by Videto supported by Mahoney to Approve the Collective Bargaining Contract subject to legal review and authorization for the Chairman of the Board of Commissioners and the Chairman of the Personnel and Finance Committee to sign the contract.* Roll call: (12) Yeas. Motion carried unanimously.

6) *Moved by Videto supported by Reynolds to Approve Resolution 05-05.23 pertaining to an Ad Hoc Committee on County Policies of the Board of Commissioners.* Wilson had concerns about the way the committee is being put together. Wilson asked where the policy statements are being directed. Herl answered, to the committee. Wilson clarifies that it would be brought to the Committee of the Whole before it goes to the Board for a vote. Wilson then asks why there will be no minutes of this committee. If he is not able to attend the meeting, he won't know how the revisions came about. Mahoney said that ad hoc committees don't require minutes of the discussion, only the recommendation. Brittain said that Peter Cohl felt that ad hoc committees are a gray area, but he recommends minutes. An ad hoc meeting has a purpose-to bring a recommendation to the Full Board. The small group meetings that Peter Cohl was talking about were just groups of commissioners being brought up to date on matters of the county. Brittain said that the number of commissioners meeting really makes no difference. Wilson interjected that any ad hoc committee that he has ever sat on has kept minutes, including the lagoon committee that Reynolds chairs. They keep minutes and make them available. We need to maintain the policy of keeping minutes. When Peter Cohl was here, he actually said that we don't have to keep minutes of this meeting. We only need roll call, and final motions. We are establishing policies that this Board, and the Boards to come will be required to follow. It's important to know what the genesis of a particular policy was. Shotwell suggested that if Wilson is concerned about the minutes and the need to reflect his opinions, he could attend the meetings and present a written statement to this body. Mahoney stated that she would like to be on this ad hoc committee, and suggested that if we were going to be reviewing policy, it would affect departments and department heads and we need more than just commissioners on that committee. Lutchka pointed out that the committee could call anyone to help review the policies. Brittain said that he wants to know why people vote the way that they do. Gumbert said that is exactly why our committee system doesn't work. We have to recognize that committee as a body and respect the recommendation that comes out of it. Videto stated that we have policies that need some work. He suggested that you pass your concerns on to the ad hoc committee members on the policies that you think need attention. Put a little faith in the system and allow the committee to bring their recommendations back to us, and make the system work. *Moved by Lutchka supported by Reynolds to Call for the Question.* Wilson stated that he had his hand up before the Call. Herl allowed him a last comment. Wilson said that there has to be some back-and-forth. There was a unanimous recommendation for Darren Binckley for the FOC Advisory Committee, and we didn't respect that. We expect minutes from everyone else, and we should not remove the expectation of keeping minutes from this committee. Government is all about keeping people knowledgeable. There is not time to attend every meeting; we should be able to review the give and take. Why someone said what they said might change our minds. Roll call: (11) Cmr. Lutchka, Brittain, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Wilson, Gumbert, & Herl. (1) Nay. Cmr. Day. Motion carried. Roll call on main motion: (10) Yeas. Cmr. Lutchka, Day, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Gumbert, & Herl. (2) Nays. Cmr. Brittain and Wilson. Motion carried.

7) Proposed Board Policy 4125 – Norms and Procedures-No action required.

8) *Moved by Videto supported by Reynolds to Approve the Purchase Agreement for Sale of Kresge Building.* Mr. Elliot noted that there was a sidebar agreement on this by the purchaser over some questions raised over the use of the property. That was provided in your mailboxes, but it was not part of the purchase agreement, it is merely a statement from the buyer stating what his intentions are. Roll call: (12) Yeas. Motion carried unanimously.

9) *Moved by Videto supported by Reynolds to Approve Resolution 05-05.25, Sale of the Kresge Building.* Roll call: (12) Yeas. Motion carried unanimously.

10) *Moved by Videto supported by Reynolds to Approve Resolution 05-05.26, Sale of "Cortland Avenue Parking Lot".* Roll call: (12) Yeas. Motion carried unanimously.

11) *Moved by Videto supported by Reynolds to Approve Resolution 05-05.27 Sale of Hill Street Property/Vineyard Lake.* Roll call: (12) Yeas. Motion carried unanimously.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

None

**PUBLIC COMMENT:**

Public comment began at 8:48 p.m. with Mindy Reilly, Register of Deeds. She stated that she was just going to listen and not comment until it got personal. The Board of Commissioners are supposed to be policy makers, not personnel directors-taking shots at Department Heads and employees. Let us do our jobs. Keep us informed, but don't interfere with what we need to do.

Janet Rochefort, Treasurer, spoke next about what she felt was a slap-in-the-face to Department Heads and Elected Officials. You should have been looking at the position. It's like saying the Chairman doesn't deserve what everyone else on the Board gets. You were given all the information that the position deserved more money. It was not fair to give more money to the rest of the department, and remove the department head.

Public comment closed at 8:50 p.m.

**COMMISSIONER COMMENT:**

Brittain said that the new format of the agenda is confusing. The same topic is in two different places.

Mahoney agreed with Brittain, but said that she likes the format, the recommendation, and who to go to, but she would like the information attached to that part. Mahoney

expressed some concerns about what was done with the IT Department tonight. She feels that it was very personal, and that the Board should be policy makers. If the position itself warrants the increase, it should be done now, not in the future when the person is gone. Mahoney will be bringing something back before the Board.

Reynolds said that she was confused as to why everyone is so upset, what we did can be changed if necessary. It was the Director's choice to enter the DROP program.

Berkemeier agreed with Reynolds and is bewildered at the level of angst. Berkemeier didn't feel it was personal. There were good reasons to have it separated and consider it later as part of other considerations.

Lutchka said that the Board is not only the policy makers, but also part of the Jackson County Management Team. Once a decision is made, the team needs to go along with it.

Reynolds requests clarification on people that have their hand up after the Call for the Question, she doesn't think they should be recognized, and it continues to happen. Herl said that he allowed Wilson to speak as a courtesy. Wilson stated that his hand was up before the Call was made. Wilson asked the parliamentarian if the person Calling the Question has to be recognized by the Chair, or can they just blurt it out? Reynolds asked for parliamentary clarification. Randy said that the Chair does not have to recognize someone with their hand is up. Once the Question is Called and supported, there should be no further discussion.

**CLOSED SESSION:**

None

**ADJOURNMENT:**

*Moved by Mahoney to Adjourn **to the Call of the Chair.***

The May 17, 2005 meeting of the Jackson County Board of Commissioners was adjourned at 9:01 p.m.

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