

Jackson County Board of Commissioners Meetings Minutes
July 24, 2007 - Regular Meeting
Jackson County Commissioners Chambers: 7:00 p.m.

CALL TO ORDER:

Chairman Shotwell called the July 24, 2007, meeting of the Jackson County Board of Commissioners to order at 7:00 p.m.

INVOCATION:

Commissioner Gail Mahoney

PLEDGE OF ALLEGIANCE:

Led by Chairman Shotwell

ROLL CALL:

County Clerk - Amanda L. Riska

(12) Present. Cmr. Herl, Lutchka, Brittain, Duckham, Poleski, Videto, Mahoney, Brown, Smith, Way, Elwell and Shotwell.

APPROVAL OF AGENDA:

Moved by Mahoney, supported by Brittain for Approval of the Agenda. Cmr. Herl moved to add the following items to July 24, 2007, agenda: under Item 15 – New Business – B. Adoption of the Strategic Plan; C. Adoption of Amended JTA Contract; D. Adoption of Agreement for Release of Reverter Clause; and E. Establishment of an Ad Hoc Committee to Deal with Soil Erosion and Sedimentation Control Issues. Cmr. Elwell asked to add another item under Item 15 – New Business – F. Road Commission Action. No other additions to the agenda. Motion carried.

AWARDS & RECOGNITIONS:

None.

COMMUNICATIONS/PETITIONS:

None.

SPECIAL ORDERS/PUBLIC HEARINGS:

A. Jackson County Road Commission Annual Financial Report dated 12/31/06
Road Commission Chairman, Carl Schmidt, introduced Doug Adkins of Markowski and Company. Doug gave a short presentation as to the Annual Financial Report they prepared and submitted. *Moved by Mahoney, supported by Duckham to receive and file the Annual Financial Report.* Motion carried.

PUBLIC COMMENT:

John Wilson, Jackson County resident, brought photos of the Cascade Falls to show the Commissioners. *Moved by Brittain, supported by Mahoney to receive.* Motion carried. The photos were of the Cascade Falls Park after the 4th of July fireworks celebration. He was concerned about the amount of trash left at the park. He realizes that it was a holiday, but felt it should have been picked up since there are a lot of people from out of town visiting the park on this day.

Moved by Mahoney, supported by Poleski to receive. Motion carried. Janet Rochefort reminded the Commissioners that on Thursday, July 26, 2007, from 4:30 p.m. to 6:30 p.m. the Jackson County Land Bank will be showing the first house that they've built in Summit Township, 209 Julian Street. She hopes that everyone will find time to come out and see it. They will also have the restaurant (Rita's) that is open to see on the same date and time. It will be handled differently than the property on Julian as there will be a bidding process.

Dewey Graves, Jr., Leoni Township resident, representing his union brothers and sisters who asked him to speak on their behalf regarding the Road Commissioners. He asked the commissioners to do what is right.

Public comment closed at 7:21 p.m.

SPECIAL MEETINGS OF STANDING COMMITTEES:

None.

MINUTES:

A. Minutes of the 6/19/07 Regular Meeting of the Jackson County Board of Commissioners

Moved by Videto, supported by Smith to Approve the Minutes of the 6/19/07 Regular Meeting of the Jackson County Board of Commissioners. Motion carried.

CONSENT AGENDA:

Moved by Mahoney, supported by Elwell to Approve the Consent Agenda. Cmr. Brittain asked to pull Item B7. Chairman Shotwell moved to County Agencies. Roll call: (12) Yeas. Motion carried unanimously.

A. County Affairs

1. Amendment MDOT – Aeronautics Sponsor Contract 2003-0137/A3 (Federal Project B-26-0051-1201)

2. Resolution (07-07.24) Authorizing the County Board of Commissioners Chair, James E. Shotwell, Jr., to Sign Amended MDOT Contract #2003-013 (A3) (Federal Project #B-26-0051), for Additional Phase II Environmental Assessment of Airport Property at the Jackson County Airport

3. Mead and Hunt Contract for 405 Survey for Runway 14-32

4. Hoffman Brothers Construction Contract

5. Request Report from Parks Director on the Parks Enterprises and Relative Income and Expenses to be provided at the next County Affairs Meeting

6. Ordinance Amendment – Proposed County Parks Metal Detector Use Policy

B. County Agencies

7. Resolution (07-07.25) Opt-Out Tax Exempt – Leoni Township DDA Boundary Expansion

C. Human Services

None.

D. Personnel & Finance

8. Resolution (07-07.27) Authorizing Borrowing form the Delinquent Tax Revolving Fund for the General Fund

9. Budget Adjustments
 - a. Parks
 - b. District Court

E. Claims

9. Claims dated 6/1/07-6/30/07 as presented to and approved by the Standing Committees

STANDING COMMITTEES:

A. County Affairs – *Commissioner David Lutchka*

1. Appointment to the Jackson District Library, one public member, term to 12/2009
The committee nominated Nicholas LeFevre. Cmr. Way nominated Ted Kolman. He did file his application late but it was there in time for the committee meeting. He talked to the committee and Cmr. Way believes that he will be a real asset to the board. Roll Call: Kolman (12). Kolman passed unanimously. He is appointed for the remainder of the term.

2. Appointment to the Mid-South Substance Abuse Commission, one public or commissioner member, term to 12/2007

The committed nominated Clifford Herl. Motion carried to appoint Clifford Herl.

3. Recommendation that the Incinerator Report be provided to the public.

Moved by Lutchka, supported by Brittain to provide the incinerator report to the public. Cmr. Brittain feels that the report is out there, and whether it's accurate or not, he believes the public should look at it. Cmr. Mahoney stated that it's not her experience, nor her practice, to believe that reports that are received under confidentiality of the commission be released. This was a report that was an attorney opinion to the board and she for one does not believe that they should set a precedence to start releasing those types of things. Cmr. Lutchka's understanding is that it is a legal letter between the board and counsel so he doesn't know if there is a "report" to issue. Roll call: (6) Yeas. Cmr. Brittain, Duckham, Poleski, Shotwell, Smith and Elwell. (6) Nays. Cmr. Herl, Lutchka, Videto, Mahoney, Brown and Way. Motion failed due to a tie.

B. County Agencies – *Commissioner Gail W. Mahoney*
Item B.7. Moved from Consent Agenda

7. Resolution (07-07.25) Opt-Out Tax Exempt – Leoni Township DDA Boundary Expansion

Moved by Mahoney, supported by Duckham to Adopt Resolution (07-07.25) Opt-Out Tax Exempt – Leoni Township DDA Boundary Expansion. Cmr. Brittain said that in the past he would have agreed not to give money to be held in a township or another government entity, but that was because there were no projects for the DDA. From what he understands after attending a township meeting, there are four projects that are in process of being done. He feels that the money should go to the township rather than be held here at the county. Cmr. Mahoney stated that what opting out means is that every project that Leoni is doing, they have to bring back before the board so the board has the opportunity to opt back in. It is their general practice to opt out and then have each project brought before the board so that they aren't doing a broad opting in. It doesn't mean that they wouldn't support the projects that are in process and ongoing, it means that they will have to bring the projects to the board so they can review and then make a decision on an individual basis. She would recommend that they follow their previous precedent of opting out so that they would then have the opportunity to opt in on an individual basis. Cmr. Elwell agrees with Cmr. Mahoney and stated that it's the same situation that they have with Blackman Expanded DDA. They opted out of the expansion part, but now they are reviewing a project and they will probably opt back in, at least partially. Roll call: (11) Yeas. Cmr. Herl, Lutchka, Duckham, Poleski, Videto, Shotwell, Mahoney, Brown, Smith, Way and Elwell. (1) Nay. Cmr. Brittain. Motion carried.

C. Human Services – *Commissioner Mike Way*
None.

D. Personnel and Finance – *Commissioner James Videto*
None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

A. Revised Full Faith and Credit Policy (Fiscal Policy No. 1150)

Moved by Mahoney, supported by Poleski to Accept the Revised Full Faith and Credit Policy (Fiscal Policy No. 1150). Motion carried.

B. Adoption of Strategic Plan

Moved by Herl, supported by Brown to Adopt the Strategic Plan. Motion carried unanimously.

C. Adoption of Amended JTA Contract

Acting Administrator Treacher stated all Commissioners were e-mailed the amended agreement. Last week the Ad Hoc Committee on JTA, which includes Cmr. Brown, Elwell and Poleski, met with JTA. They are asking that any persons that live outside of the city, and wish to have demand response, to receive it. It is different that what was approved a month ago. They believe that since they'll be going through those areas to pick up people in the out county area that they will be able to accommodate those individuals as well, and as a result be able to pick up more people. The schedule is Monday, Wednesday and Friday to the four corners of the county picking up any outside of the city who has made a request. The committee thought that if JTA thought that it would work within the terms of the current contract amount, and would accommodate more people, that it would be the correct thing to do. The board will be getting monthly reports on the number of people and how it is working. *Moved by Elwell, supported by Brittain to Adopt the Amended JTA Contract.* Cmr. Way commended the Ad Hoc committee members on the amount of time and effort that they've put into it. He feels they represented the county well. He takes his hat off to them. Roll call: (12) Yeas. Motion carried unanimously.

D. Adoption of Agreement for Release of Reverter Clause

Acting Administrator Treacher stated that, as all commissioners know, there was discussion on this issue with the county's legal counsel. Since there are a number of issues that need to be cleared up with the City, in terms of the reverter, and the intent of the county to release the city from liability on the landfill, he recommends delaying any action on this issue until those documents are fully prepared for execution. Chairman Shotwell informed the commissioners that they may need to have a special meeting on this issue.

E. Establishment of an Ad Hoc Committee to Deal with Soil Erosion and Sedimentation Control Issues.

Moved by Herl, supported by Mahoney for Establishment of an Ad Hoc Committee to deal with Soil Erosion and Sedimentation Control Issues. Motion carried.

Chairman Shotwell stated that if there are three commissioners that are interested in serving on that committee, to please get with him.

F. Road Commission Action

Moved by Mahoney, supported by Brittain to authorize the county administrator, in conjunction with counsel, to commence the process to bring charges and undertake a hearing to remove Road Commissioner Zenz pursuant to MCL 46.11(n), and for the county administrator and counsel to report back to the board on or before August 21, 2007. Roll call: (12) Yeas. Motion carried unanimously.

Moved by Mahoney, supported by Brittain to request Lt. Teriaco to undertake an investigation regarding Road Commissioners Johnson and Schmidt regarding possible violations of law, and to request Lt. Teriaco to report back to the board as expeditiously as possible. Roll call: (10) Yeas. Cmr. Herl, Brittain, Duckham, Poleski, Shotwell, Mahoney, Brown, Smith, Way and Elwell. (2) Nays. Cmr. Lutchka and Videto. Motion carried.

Moved by Brittain, supported by Mahoney to have the county administrator investigate removing the road commissioners from the pension plan. Cmr. Way asked if there is a date for the removal. Chairman Shotwell stated that it will take attorney-client discussion before a date can be set. He stated it will be done as quickly as possible. Roll call: (9) Yeas. Cmr. Herl, Brittain, Duckham, Poleski, Shotwell, Mahoney, Brown, Smith and Elwell. (3) Nays. Cmr. Lutchka, Videto and Way. Motion carried.

Moved by Elwell, supported by Brittain, to authorize the Board of Commissioners Chairman to appoint a committee to make recommendations as to the makeup, number and pay of Road Commissioners, as well as the structure and function of the County Board of Road Commissioners. Cmr. Videto feels that if a system is put into place to come up with recommendations that there should be some township individuals as part of the process. Cmr. Poleski agrees with Cmr. Videto and urges the Chair to nominate a representation of Township Supervisors to the committee. Cmr. Brittain agrees as a friendly amendment to the motion. Cmr. Elwell accepts the friendly amendment but he expects a wide range of people to participate. He will leave it to the Chair's discretion. *Motion with friendly amendment: Moved by Elwell, supported Brittain, to authorize the Board of Commissioners Chairman to appoint a committee, that includes Township Supervisors, to make recommendations as to the makeup, number and pay of Road Commissioners, as well as the structure and function of the County Board of Road Commissioners.* Roll call: (11) Yeas. Cmr. Herl, Lutchka, Brittain, Duckham, Poleski, Videto, Shotwell, Mahoney, Brown, Smith and Elwell. (1) Nay. Cmr. Way. Motion carried.

Moved by Commissioner Elwell, supported by Commissioner Brittain, for removal of vehicles as a benefit for Road Commissioners, effective at noon on Monday, August 6, 2007. Roll call: (8) Yeas. Cmr. Brittain, Duckham, Poleski, Mahoney, Brown, Smith, Way and Elwell. (4) Nays. Cmr. Herl, Lutchka, Videto and Shotwell. Motion carried.

Moved by Commissioner Elwell, supported by Commissioner Brittain to eliminate medical benefits for Road Commissioners, effective August 31, 2007. Roll call: (8) Yeas. Cmr. Herl, Brittain, Duckham, Poleski, Mahoney, Brown, Smith and Elwell. (4) Nays. Cmr. Lutchka, Videto, Shotwell and Way. Motion carried.

PUBLIC COMMENTS:

Mike Swope, Rives Township resident, thanked the commission for the actions just undertaken. He believes that it will begin to restore confidence in the county government. He hopes that the county commission will continue to inspire that confidence by undertaking the measures needed to determine exactly what happened at the Road Commission.

Estelle Graves personally thanked Jim Phelps for all of his years of service to Leoni Township. She said he has done a great job for the citizens. She also thanked the commissioners for approving the JTA program, but stated that they are still in need of services on Tuesday and Thursdays.

Theresa McGaw talked about visiting Port Huron when she was a commissioner to learn how their county and city government functioned without a Road Commission. She has been following newspaper articles and she feels it has been a long time coming and it's time for things to happen.

Dewey Graves thanked the commissioners on behalf of his union brothers and sisters. He also extended a hand from the 905 Jackson County Road Workers. If they will listen to their input, they will gladly give some on what they think Road Commissioners should and/or could be doing. He also thanked them for amending the JTA contract to include what it does but hopes for more.

John Driscoll talked about the gentleman's comments from earlier in the evening regarding the Cascades. When he drove through the park the morning of July 5 th, his jaw dropped too, but after he thought about it, he realized that with the amount of people at the park the previous evening it's bound to happen. He drove through the park again on the 6 th of July and he saw people picking up the trash. He doesn't feel that it is that big of a deal.

COMMISSIONER COMMENTS:

Acting Administrator Treacher pointed out that we've already heard from former commissioner Theresa McGaw, and it should also be noted that two other former commissioners are present tonight: Bob McNitt and Barb Hammond. He feels it's appropriate they are recognized when they come to meet their comrades.

Cmr. Lutchka stated that the third Saturday of September is the Jackson County Family Farm Fest. This year Family Farm Fest will be held in Grass Lake Township. It will be in conjunction with the Grass Lake Village Fall Festival. More news to follow.

Cmr. Elwell echoed the county resident's comments regarding Supervisor Phelps. He served for a very long time and he is appreciative of that, even though it is not his district.

Cmr. Brown reminded everyone that August 1 st is Jackson County's 175 th birthday and it is also the Cascades 75 th birthday. The Cascade Falls will be open free to the public and they will also be having a laser show. He guarantees that the park will shine like a dime the next morning.

Cmr. Brittain echoed what Cmr. Elwell said about Supervisor Phelps. He said that from what he understands, no one has worked as physically hard as him. He knows he was out shoveling snow, driving the backhoes, etc. He has probably saved the township hundreds of thousands of dollars. He has been an asset and he applauds him for the work that he has done. He wishes him a speedy recovery with the ailment that he has.

Cmr. Poleski asked if anything has been received yet regarding the Rives Township Sewer Project and the Full Faith and Credit Representations. Acting Administrator Treacher responded that we do not have them yet. The resolution that was passed two months ago is still waiting for the Chair's signature. He had discussion again last Friday with the Drain Commissioner on the issue.

CLOSED SESSION:

None.

ADJOURNMENT:

Chairman Shotwell adjourned the July 24, 2007 , meeting of the Jackson County Board of Commissioners at 7:57 p.m.

James E. Shotwell, Jr. - Chairman, Jackson County Board of Commissioners
Respectfully submitted by Amanda L. Riska – County Clerk