

Jackson County Board of Commissioners Meetings Minutes
August 21, 2007 - Regular Meeting
Jackson County Commissioners Chambers: 7:00 p.m.

CALL TO ORDER:

Chairman Shotwell called the August 21, 2007, meeting of the Jackson County Board of Commissioners to order at 7:02 p.m.

INVOCATION:

Commissioner Michael J. Way

PLEDGE OF ALLEGIANCE:

Led by Chairman Shotwell

ROLL CALL:

County Clerk - Amanda L. Riska

APPROVAL OF AGENDA:

Moved by Mahoney supported by Videto for Approval of the Agenda. Leoni Wastewater Treatment will appear under new business. Motion carried.

AWARDS & RECOGNITIONS:

None

COMMUNICATIONS/PETITIONS:

None

SPECIAL ORDERS/PUBLIC HEARINGS:

1. 2006 County Audit

Dave Fisher presented the audit at 7:20 p.m. The presentation concluded at 7:34 p.m. *Moved Herl, supported by Mahoney to receive the report.* Motion carried.

PUBLIC COMMENTS:

Public comments began at 7:05 p.m. They were taken out of order because the Special Orders/Public Hearing wasn't scheduled to begin until 7:20 p.m.

Judy Dynnik, Volunteer Executive Director for Jackson County Volunteers Against Pound Seizure, thanked the commission for trying to find a new shelter and also explained to the new commissioners a little about their work.

Brenda Bowban, Summit Township resident. She works at Disability Connections. She spoke about transportation issues here in Jackson County. She believes transportation is vital. She would like to see all of the commissioners to work with the JTA board to come up with a resolution to bring services back to what they previously were.

Phil Moilanen spoke about the resolution regarding smoke free air in bars. The questions that have come up to him so far are regarding personal liberties. One of the members mentioned at a legislative meeting of the chamber that their job is to be leaders and set policy. One of the missions is to serve the public needs. He said that the commissioners have the right to guarantee that the public has the right to breathe clean air. He urged them to vote in favor of the resolution.

Michael Swope, resident of Rives Township. He asked that the commissioners vote against the smoke free air resolution as a matter of individual liberty.

Gerald Marker said that it is nice to be able to get into the building but stated that it is hard to get into the men's restroom. He asked why the JTA issue for handicapped people wasn't a millage request.

Public comment suspended at 7:19 p.m. to allow the Special Order/Public Hearing to take place.

Public comment continued at 7:35 p.m.

Sandy Jimenez, a cancer survivor, spoke in favor of the smoke free air resolution.

Ted Westmeier, Director of Public Health for Jackson County. He spoke about the resolution regarding second hand smoke. He is in support of the smoke free air resolution and feels we must consider the rights of the non-smoker.

Greg Wilson is not in favor of passing the smoke free air resolution.

Dewey Graves, Leoni Township resident, does not support the smoke free air resolution.

Public comment closed at 7:48 p.m.

SPECIAL MEETINGS OF STANDING COMMITTEES:

None

MINUTES

1. Minutes of the 7/24/07 Regular and 8/06/07 Special Meetings of the Jackson County Board of Commissioners

Moved by Mahoney, supported by Brown to approve the Minutes of 7/24/07 Regular and 8/6/07 Special Meetings of the Jackson County Board of Commissioners. Motion carried.

CONSENT AGENDA

Moved by Herl, supported by Brittain to Approve the Consent Agenda. Roll call: (12) Motion carried unanimously.

A. County Affairs

1. **Acknowledge MDOT Bid Award for Falling Waters Trail Construction**
2. **New Fund for Parks Falling Water Trail (FWT) and Lagoon Projects**
3. **Resolution (08-07.30) Jackson County Airport – Reynolds Field, Jackson, Michigan Land Release (Approximately 68 acres) for Sale of Parcels 15A and 62 to RAMCO-GERSHENSON PROPERTIES, L.P.**

B. County Agencies

None

C. Human Services

4. **Approval of Carrera Program**
5. **Resolution (08-07.28) to Advocate for Prioritization for Public Health Services when the State's Share of the Cost is less than 50% for the Services**

D. Personnel & Finance

6. **Personnel Change – Fleet/Facilities**
7. **Technical Energy Analysis Proposal**
8. **Masonry Repairs to the Courthouse and Northlawn Buildings**
9. **Bid Award for Mobile Camera Upgrade – Sheriff Department**

E. Claims

10. **Claims dated 7/1/07-7/31/07 as presented to and approved by the Standing Committees**

STANDING COMMITTEES:

A. County Affairs – Commissioner Dave Lutchka

1. **Appointments to Agricultural Preservation Board**
One public member – term to 6/2009

Com. Lutchka stated that the committee nominated Charity Steere. No other nominations from the floor. Motion carried.

One elected official in township government – term to 6/2009

Com. Lutchka stated that the committee nominated Robert Hannewald. No other nominations from the floor. Motion carried.

Three individuals with agricultural interests – one term to 6/2008, one term to 6/2009, and one term to 6/2010

Com. Lutchka stated that there are three terms open but the committee received only one application. 2008 Term: The committee nominated Nancy Hawley from Henrietta Township. No other nominations from the floor. Motion carried.

One individual representing local nature resource conservation interests – term to 6/2010

Com. Lutchka stated that the committee nominated Dick Ekins from Tompkins Township. No other nominations from the floor. Motion carried.

One member with real estate or development interests – term to 6/2008

No applicants.

One Commissioner member – term to 6/2008

Com. Lutchka stated that the committee nominated David Lutchka. No other nominations from the floor. Motion carried.

2. Appointments to the Aging Advisory Council – Two public members - Terms to 12/07 and 12/08

Com. Lutchka stated that the committee nominated Diane Derby. No other nominations. Motion carried.

3. Appointment to the Leoni DDA – One Commissioner member – term to 12/31/07

Com. Lutchka stated that the committee nominated Steve Shotwell. No other nominations from the floor. Motion carried.

B. County Agencies – Commissioner Gail Mahoney

None

C. Human Services – Commissioner Mike Way

1. Resolution (08-07.29) Supporting the Campaign for Smoke Free Air

Committee Recommendation:

The Human Services committee recommends that the board not approve the resolution.

Moved by Way, supported by Elwell to Disapprove Resolution 08-07.29 Supporting the Campaign for Smoke Free Air. Com. Brittain is a non-smoker with asthma, but as an elected official, he doesn't feel that it is his job to eliminate it from the public. He thinks that it should be a question on the ballot to let the people make that decision. He will not support the resolution for that reason. Com. Brown feels the same way and he will also be voting no on resolution. Com. Elwell stated that if a commissioner does not support asking the legislature to do this, then they need to vote for the motion. Voting for the motion is disapproval of telling Lansing to enact it. He does not smoke either but he has a hard time stepping in and telling businesses how to run their business. He doesn't have any doubt that smoking and second hand smoke is bad but he chooses to go where there isn't smoke. He said the businesses are doing the same thing. He thinks that it is overreaching government and does not support the resolution. Com. Way will be opposing the motion. He believes the resolution is for the best interest of the citizens of Jackson County and it also speaks to the recently approved strategic plan in a number of different areas. Com. Duckham will be voting yes supporting the motion to disapprove the resolution. He doesn't see where government has the authority to regulate legal products. He believes that it will open the door for further regulation of our lives and our behaviors. He also believes that there are so many smoke free places now that someone that has this concern would easily be able to make a choice to go there instead. He is skeptical of the Surgeon General's report on second hand smoke. Com. Mahoney has been a long time supporter of trying to get a ban enacted throughout the state. She doesn't want to see it happen to one bar or restaurant and not another. She believes that it's their responsibility to provide things that people cannot provide for themselves. She is in favor of having the state look at this issue. Com. Smith thinks that she should vote no on this but she is going to vote yes because she believes that it is a personal right. She has emphysema and she doesn't know if it's from smoking, but she avoids places where people are smoking. Acting Administrator Randy

Teacher explained the vote. The resolution that came from Human Services read in favor of the smoking ban. The recommendation from Human Services is not to approve the resolution. If not in favor of the ban, vote yes, if in favor of the ban, vote no. Cmr. Brown requested to abstain from voting because he said it is hard to speak for the people that he represents. Chairman Shotwell denied the request and asked him to vote. Roll call: (8) Yeas. Cmr. Herl, Lutchka, Brittain, Duckham, Videto, Brown, Smith and Elwell. (4) Nays. Cmr. Poleski, Shotwell, Mahoney and Way. Motion passed. No action taken and nothing will be sent to the state.

D. Personnel and Finance – Commissioner Jim Videto

None

UNFINISHED BUSINESS:

A. Attorney Peter Cohl

Moved by Elwell, supported by Mahoney to Proffer the Formal Charges as Presented. Motion passed unanimously.

1. Letter to Commissioner Zenz

2. Resolution (08-07.31) Authorizing Amendment 2007-1 to the Jackson County Employees' Retirement System Bylaws

Moved by Mahoney, supported by Elwell to Approve Resolution 08-07.31 Authorizing Amendment 2007-1 to the Jackson County Employee's Retirement System Bylaws. Cmr. Poleski pointed out that on page 59 of the agenda, the Amendment 2007-1 refers to employment as a member of the Jackson County Board of Commissioners and asked if it should read Jackson County Board of Road Commissioners instead. Chairman Shotwell stated that it should be duly corrected. Roll call: (10) Yeas. Cmr. Herl, Lutchka, Brittain, Duckham, Poleski, Shotwell, Mahoney, Brown, Smith and Elwell. (2) Nays. Cmr. Videto and Way. Motion carried.

NEW BUSINESS:

1. Leoni Twp. Wastewater Treatment Plant Section

Moved by Mahoney, supported by Brittain to Approve the Resolution to Establish and Provide for the Jackson County Wastewater Disposal Facility. (Leoni Wastewater Treatment Plant Section) Motion carried unanimously.

PUBLIC COMMENTS:

Public comments reopened at 8:12 p.m.

Greg Wilson thanked the commissioners for their vote not supporting the resolution to ban smoking. He feels the legislation is flawed and agrees that it should be put to a public vote.

Estelle Graves, spoke about the article that was in the Jackson Citizen Patriot regarding Alex Denados. He is experiencing the same problems her and her husband are with their daughter sitting at her job site for two hours or longer, unsupervised, with a mental disability. She asked once again for help with funding with JTA.

Public comment closed at 8:14 p.m.

COMMISSIONER COMMENTS:

Cmr. Lutchka stated that construction at the airport runway has started. He also talked about the Jackson County Farm Fest that is coming up on September 15, 2007.

Cmr. Brittain spoke about the comments from public regarding JTA. He advised them to go to the townships individually and ask them to have a millage through the township.

Cmr. Duckham spoke in regards to JTA. One of his constituents who is a widow and lives at Vineyard Lake didn't have a ride to get to her appointment, and there also wasn't any service to get her there. He offered to give her a ride but she found a family member that helped her. He said that people keep coming and asking them to do something, but their hands are tied. He told JTA to step forward with a solution. He was also stated that he was at the race this last weekend and saw a racecar that had the sponsor of Michigan Parks and Department of Natural Resources on the side of the car. He said that with all of the state's budgets problems and people getting laid off from their jobs, it really sent a wrong message in his book.

Cmr. Elwell stated that intent of last month's motion regarding the Road Commission's medical care and pension is that the action of terminating the paid health care as of August 31, 2007, ends it for active Road Commissioners and those that retire after August 31, 2007. With a sense of fair play, he wanted to say that publicly.

He also wants to see the management letter that has comments and recommendations from the Road Commission Audit that was given last month. He is surprised that it is not here yet.

Cmr. Poleski said we are moving in the right direction with respect to the Leoni Wastewater Treatment Plant. He reminded those that are working on that they have had some questions concerning the financial models and the precise duties and responsibilities of each of the entities involved. He is sure that they will be working that out as they move down the road on it. As to the Animal Shelter, he is looking forward to hearing a number of options from the Administration as to how it is going to be dealt with. He will also echo Cmr. Elwell's note with respect to Road Commissioner's Medical Benefits. He also asked the administrator with respect to the Rives Township Sewer issue, whether we have received the representations required by our policy concerning full faith and credit of the county. Chairman Shotwell stated that we have all but one signature. Nothing has been done with it yet.

CLOSED SESSION:

None

ADJOURNMENT

Chairman Shotwell adjourned the August 21, 2007, meeting of the Jackson County Board of Commissioners at 8:21 p.m.

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