

**Jackson County Board of Commissioners Meetings Minutes**  
**August 23, 2005 - Regular Meeting**  
**Jackson County Commissioners Chambers: 7:00 p.m.**

**CALL TO ORDER:**

Chairman Cliff Herl called the August 23, 2005 meeting of the Jackson County Board of Commissioners to order at 7:00 p.m.

**INVOCATION:** Cmr. Berkemeier

**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 Shotwell to Amend the order of the agenda to reflect Judge Schmucker trading places with Judge Nelson.* Motion carried. *Moved by Reynolds supported by Videto to Approve the Agenda as Amended.* Motion carried.

**AWARDS & RECOGNITIONS:**

1. Employee of the Month of August-Carl Carmoney, Sergeant, Sheriff's Department. Sgt. Carmoney could not be present this evening.

2. Presentation on the Operations of the Jackson County Circuit Court Drug (Recovery) Court-Honorable Judge Charles Nelson. Mr. Elliott asked Judge Nelson if he had a model that he followed in the implementation of Recovery Court. Judge Nelson answered that there is a national organization for the Drug Institute and also visited Howell, who has had a drug court for the past few years. Day asked how much this costs per person. Judge Nelson answered that the state gives \$50,000 on a quarterly basis, and there are 55 people in the program right now, and that money will be gone at the end of the quarter. The most costly item is the fee for drug testing. Videto commended Judge Nelson for what he's doing for the community. Videto also asked how many participants there can be at a time. Judge Nelson responded that they could have 60 at one time. Wilson asked if are they are eligible to re-enter the program if they don't succeed. Judge Nelson said that it is a one-time shot; but they would still be on probation, so there would still be sanctions. Brittain also commended Judge Nelson on this program. He asked if there was any follow up on the graduates. Judge answered that they are on probation for two years following their graduation. That's part of the federal guidelines.

3. Presentation on the Operations of the Jackson County Friend of the Court-Honorable Judge Chad Schmucker. Wilson asked Judge Schmucker why he didn't do more to encourage the Citizen's Advisory Committee to continue to meet? Wilson feels that they are an invaluable checks and balance system, because their report is ultimately forwarded on to Lansing and the legislators. Wilson also expressed that what he hears the most is the lack of compassion within the office. Wilson's final question is in regards to conciliation. He has heard that isn't even legal. Judge Schmucker responded that conciliation is a way to provide answers to a family in the short run, while a divorce is taking place. It addresses issues such as custody, parenting time, child support, and bills. This is in place until a trial can take place. Friend of the Court meets with the parents and makes a recommendation. In answering the question pertaining to the FOC Citizen's Advisory Committee, Judge Schmucker said that in the beginning, he viewed the committee as a tool to help put policies and procedures in place. When that didn't come into fruition, he thought time would be better spent looking at other FOC's and what was working for them, than on a committee that had a few malcontents coming to each meeting. Brittain doesn't feel that it's the judge's fault that they didn't meet; it was up to the chair of that committee to guide the committee.

**COMMUNICATIONS/PETITIONS:**

*Moved by Shotwell supported by Brittain to receive the Medical Harm and Using Shelter Animals for Vital Research communication.* Motion carried.

**PUBLIC COMMENT:**

Public comment began at 7:59 p.m. with Dr. Robert Walsh, retired psychologist from the Department of Corrections. Dr. Walsh followed the outline that was distributed under Communications/Petitions regarding the use of animals for medical research. Dr. Walsh feels that the practice is dangerous because these are undocumented animals with unknown medical, developmental, genetic, and biological histories.

Steve Czarnecki, Director of the Enterprise Group asked the Board to reconsider the resolution waiving the Counties right of first refusal on the Armory Arts Project.

Nancy Camden appeared last month to address her concerns pertaining of selling shelter animals for research. Ms. Camden also addressed the importance of the arts and the Armory Arts Project to Jackson County.

David Miller, Vice President of the Economic Development Division of the Enterprise Group spoke and said that tonight the Board will be voting on a resolution to opt of the Blackman Charter Township Downtown Development Authority. No matter which way the vote goes, the DDA would like to keep the lines of communication open and work toward a common objective of development in this community.

Debby Catarina spoke against the selling of the shelter animals for research and asked the Board to put it for a vote before the people.

Kristen Reagan also spoke against the sale of shelter animals and urged the Commissioners to vote for what the people are asking.

Ray Snell, Blackman Township Supervisor spoke pertaining to the sale of shelter animals. Mr. Snell said that many of his constituents have put information before him that echo what the doctor said earlier, that the better animals for research are the ones bred for that purpose. Mr. Snell also shared his support for the Armory Arts project, and urged the Board to release their claim on that land.

Sally Griffis, Jackson County Fair Manager discussed the Armory Property and her attempts and letters pertaining to that property for parking during the fair. She feels that the Armory Arts Project is a wonderful project, but that the fair have gotten lost in the shuffle and need to be included.

John Wilson stated that it is expected that the Board will vote tonight to authorize the transfer of land for the Armory Arts Project. The Enterprise Group will then begin to apply for grant money to fund this project. Grant money is still tax money. Mr. Wilson expressed concern that the Enterprise Group's primary role should be to attract business and industry to Jackson. Now they seemed to have shifted their goal to luring non-profit groups to this area to live and sell artwork at a real estate development subsidized by the taxpayers. Mr. Nelson also discussed the industrial park plan, adjacent to the prison, luring industry by offering tax abatements and other incentives. He was concerned because they would be using prisoners to fill the jobs instead of the law-abiding citizens of Jackson County.

David Elwell asked the Board to consider Resolution 08-05.43 coming out of Personnel and Finance, the motion to opt out of the tax exemption for the DDA for Blackman Township. Mr. Elwell asks the Board to vote no which will allow the DDA to go forward. If a road is there, the land is more likely to be developed. This will also allow the airport property to be developed and leased which will make the airport more self-sufficient.

Phil Rosenberger spoke concerning the merging of Veteran's Affairs office with Department on Aging. Many of the younger men coming home are amputees, they need a place to go that understands them, and can help them with their unique problems.

Chuck Mead expressed his support for the Armory Arts Project.

Suzanne McCluskey also spoke in support of the Armory Arts Project.

Kay Howard is a full time potter and is in support of the Armory Arts Project. One of the common threads is the economic impact on Jackson County. She estimates, she feels conservatively, that there are several hundred small businesses that would benefit in Jackson. The arts community is working hard to define themselves.

Phil Trebon puts on the shows for the Jackson Pottery and Clay Guild. They had a show two years ago that brought in over 800 people. They had everyone from beginners to professional artists. It was a wonderful event and he invites everyone to participate on November 19 & 20 this year.

Ozzy is part owner of a cooperative art gallery and is in support of the Armory Arts Project. He has been in contact with artists from Chicago to Detroit that all express interest.

Kate Lambert-Lee does a website to promote arts and entertainment in Jackson. During the higher times, the site gets over 20,000 hits per week. There are many businesses that profit from the arts.

Roger Warren suggested using the TRW buildings that are going to be vacant for the Arts Project. There would be plenty of parking and plenty of visibility.

Todd Brittain spoke as a citizen addressing the person that called him a liar. He challenges her to get the names of the people that say they called him before he voted that night.

Public comment closed at 8:41 p.m.

**SPECIAL MEETING OF STANDING COMMITTEES:**

None

**MINUTES:**

*Moved by Videto supported by Reynolds to Approve the Minutes as Published.* Lutchka requested a correction on the July 26, 2005 minutes of the Jackson County Board of Commissioners. On page 2 of 9 directly above Communications & Petitions reflects Smith voting both yea and nay and does not reflect a vote for Gumbert. It should reflect a yea vote for Gumbert and a nay vote for Smith. Motion carried on the amended motion.

**CONSENT AGENDA:**

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

**County Affairs:**

A. Repeal "Promote Economic Development Goals Team"

B. 2004 Drain Commission Annual Report

**County Agencies:**

C. Support Emergency Operations Plan

**Human Services:**

None

**Personnel & Finance:**

None

**Claims:**

D. Claims dated 07/01/05 – 07/31/05 as presented to and approved by the Standing Committees  
Roll call: (12) Yeas. Motion carried unanimously.

**STANDING COMMITTEES:**

**A. County Affairs-Commissioner John Day**

1. County Affairs 07/11/05 Meeting Minutes-No action required.

2. *Moved by Day supported by Lutchka to recommend to the full Board the Appointment of Dorothy Baugh to the Department on Aging Advisory Council. Moved by Shotwell to close nominations and cast a unanimous ballot.* Motion carried. Vote on main motion-motion carried. Dorothy Baugh was appointed to the Department on Aging Advisory Council.

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

1. County Agencies 7/11/05 Meeting Minutes –No action required

2. *Moved by Reynolds supported by Wilson to Appoint Fred Bishop as Attorney Magistrate.* Motion carried.

**C. Human Services-Commissioner Berkemeier**

1. Human Services 07/11/05 Meeting Minutes-No action required.

2. *Moved by Berkemeier supported by Mahoney to Approve the Fee Strategy Revisions for Health Department (Second Reading)*. Wilson will be opposing this fee because he feels it is an easy out for the Health Department to automatically increase fees regardless of the cost of living or the inflation rate. 5% across the board is exceptionally high. Day clarifies that it is an automatic 5% each year without having to vote again. Ron Grimes, Director of the Health Department explained that this is their plan, but each year their budget would still come before the Board for their approval. Day just wants to be sure that they would have a vote on it, that the 5% per year seems a bit extreme. Mahoney pointed out that Judge Schmucker said previously that we have many departments that our county budget does not support at even a median to comparable counties; the Health Department being one of them. With the upcoming budget issues, we must become a county that is "fee for service". This is a strategy to move in the right direction to support the citizens of Jackson County and the mandated services. Berkemeier expresses that he will be voting in favor of this strategy. He believes that the professionals that work in the Health Department have put together a strategy that they perceive is necessary for the next four years. That doesn't indicate that in the coming years it won't be necessary for some adjustments. Wilson clarifies Days concern, that each year when that budget comes back, it will be inflated 5%, and by getting involved in the details, we will be accused of micromanaging. If a department is run capably, they can come back each year with the necessary adjustment. Mr. Elliot points out that this is a revenue consideration, a fee issue, and not a budget issue. As was discussed last month the action is to schedule a 4-year rate schedule; it would not come before the Board for an independent vote each year, unless specifically requested to do so. Roll call: (10) Yeas. Cmr. Lutchka, Day, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Gumbert, & Herl. (1) Nay. Cmr. Wilson. Motion carried. Brittain did not vote. Shotwell called for a point of order that Brittain had his hand up to speak before the vote. He should be allowed to speak to the issue and also vote. Brittain stated that some of the non-mandated fees need to be eliminated. Also, there was a large raise back in 1999 of 30-40 of these fees; Vern Webster was still on the Board at that time, and he opposed them. Last month Videto said that he felt that some of the money from these fee increases is going to other programs, not necessarily the program that is taking them in. Roll call: (10) Yeas. Cmr. Lutchka, Day, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Gumbert, & Herl. (2) Nays. Cmr. Brittain and Wilson. Motion carried.

3. *Moved by Berkemeier supported by Shotwell to Approve Resolution (08-05.41) JacksonCounty Senior Citizen of the Year Award for Volunteer Leadership to Dr. James O'Connor, DO*. Roll call: (12) Yeas. Motion carried unanimously.

4. *Moved by Berkemeier supported by Reynolds to Approve Resolution (08-05.42) JacksonCounty Senior Citizen of the Year Award for Volunteer Leadership to Daniel LaBumbard*. Roll call: (12) Yeas. Motion carried unanimously.

#### D. Personnel & Finance-Commissioner James Videto

1. Personnel & Finance 07/12/05) Meeting Minutes –No action required.

2. *Moved by Videto supported by Gumbert to Approve Resolution (05-05.20) Formulation Recommendations for the Development of the 2006 Budget for JacksonCounty Government*. Day wants reassurance that the Board will have the opportunity to act on each item individually. Mr. Elliott answered that each section of the resolution addresses the manner in which the matter will come back for Board approval. The most common reference is to "budget approval and Board authorization", so if it were approved in the budget then it would come forward as an action item in front of the Board. Brittain clarifies that if we approve that tonight, we won't be able to vote each individual issue before it is approved; so if there is a particular issue that they don't agree on, contained in a budget that has been approved, then he will have to vote against the entire budget, not just the item he doesn't agree with. Videto said that one of the concerns that came out of committee was exactly that; so there was language added to each part of the Budget Initiative that all of the items in each category are subject to budget approval and Board Authorization. Videto feels that we can choose individual items to work on or a roadmap that will bring financial responsibility to Jackson County. Shotwell addressed Brittain that the goal is to bring every one back to the Board through the budget process; with the exception of item 10, which the Board has already voted on including the Treasurer's reorganization, Administrative Service reorganization, Child Care Fund, Animal Control reorganization, Jail Inmate Conversion Centrex lines, and the Human Resources reorganization. Gumbert pointed out that we get the packets before the meeting, and each item states "Subject to Board Authorization". Take time to read your packets and be prepared, and many issues will be solved before the meeting. Brittain said that he would be opposing. Wilson asked where they would be able to vote individually on these items, would it be before the full Board. Shotwell answered that after they went through their respective committees, the full Board would be able to vote on the issues. Herl said that each department would go through their budgets individually also. Wilson asked if the Health Department issue would also be coming up again. Shotwell answered him that we addressed that in July when we passed the Health Department's budget. Roll call: (11) Yeas. Cmr. Lutchka, Day, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Wilson, Gumbert, & Herl. (1) Nay. Cmr. Brittain. Motion passed.

3. Herl allowed Ray Snell, Supervisor of Blackman Township and President of the Blackman DDA, to come forward and discuss the Resolution to Opt-Out Tax Exempt. Mr. Snell said that this is a tax increment program. When we start this program, whatever taxes you receive now, you will continue to receive. If there are inflationary increases or additional development occurs, the DDA will collect that tax. The DDA is going to take the existing captured dollars and invest it in county property. We will be putting sidewalks in on the south side of Springport Rd. and Boardman Rd. People will be walking down them to the DDA area. It will be years before the DDA will realize any amount of money. This is a good deal for the County. Right now the value of the property is zero, we want to put a road there and build up that property. If there is infrastructure, the value will increase. We are willing to work with you. You can put a cap on it, even work with where we put the road. Gumbert has some concerns that the property has not been marketed without infrastructure yet, because the FAA was holding it up. She has other questions and will be voting to opt out at this point. She feels that some of the language needs to be cleaned up and more information be provided for the Commissioners to go over and understand. Mr. Snell said that he would make himself available and could put the project on hold. Brittain said that the former Airport Manager had visions and wanted to put that property up for sale. Gumbert agreed that was the case, but they never had anything in writing from the FAA. Mr. Elliott said that there are several issues; that of the boundaries of a DDA, school taxes that are not captured by DDA, infrastructure, development or a land use plan. Because of the lack of a land use plan, it's difficult to identify where the infrastructure is needed and what the tax generation on that land use would be so that the Board could be clearly advised of how much in taxes could be lost. The variance could be significant. We could opt out at this time; when a land use strategy is further defined we can opt back in. *Moved by Videto supported by Berkemeier to Adopt Resolution (08-05.43) Opt-Out Tax Exempt.* Berkemeier commended Supervisor Snell and the Enterprise Group for their work, but he felt it to be premature to opt-in at this time, there's more work to be done. Berkemeier liked what Mr. Snell had to say about sharing of tax revenues and coming up with a formula that could be approved. This property has never been opened up for development because of the airport. We have the verbal approval now, but are still waiting for the written confirmation. There are already developers waiting to talk with Mr. Snell and the Enterprise Group. We should opt-out at this time and leave our option to opt-in open. We want to make sure that what we do is good for the whole county. Videto is going to support this because the Blackman Township DDA and the Board didn't take the time to explore this ahead of time, and the right information wasn't provided. Day said that he would be voting no on opting out. He reminded the Board that Blackman Township is part of Jackson County. He doesn't understand why the Board will support the arts project and not the DDA project. Mahoney said that we know exactly what the Armory Arts Project is, but we don't know what the DDA project holds. Because Blackman Township is a part of Jackson County, we have the right to be a part of those taxes. Wilson asked Mr. Elliott if the reason that he would go back into negotiations with Blackman Township is because he wants the County to receive taxes on any development that happens over there. Mr. Elliott responded that the inter-local agreement that he referenced can address any percentage of tax capture that the Board would deem fit. Wilson wants to know what right we have as a county to take money away from Blackman Township? They are going to be providing employment opportunities. We have a wonderful opportunity to allow the DDA to move forward and all we are worried about is how much can we put in our pockets. Any commissioner that votes against this is voting against the economic development of this county. Day stated that he knows the developer and feels it's a very strong and reliable developer who could provide jobs. Roll call: (9) Yeas. Cmr. Lutchka, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Gumbert, & Herl. (3) Nays. Cmr. Brittain, Day, & Wilson. Motion carried.

4. *Moved by Video supported by Gumbert to Adopt the Non-Union Disciplinary/Appeal Procedure.* Roll call: (12) Yeas. Motion carried unanimously.

#### **UNFINISHED BUSINESS:**

A. *Moved by Reynolds supported by Brittain to support the Reconsideration of Resolution (06-05.39) Waiving the Right of First Refusal for the Purchase of the Armory Arts Property from the Michigan Department of Military Affairs and Recommending Sale of Said Property to the Enterprise Group of Jackson, Michigan.* Wilson will be voting in favor of waiving our rights, but that doesn't take away the concerns he has of the Enterprise Groups involvement in this project. We were all surprised when we heard that TRW is moving out of Jackson and taking their jobs with them. These are the people that the Enterprise Group should be paying attention to. Wilson suggested that the Enterprise Group should revisit their mission and their responsibilities not only to Jackson, but this Board as well, as we fund a substantial amount of the Enterprise Group. Their responsibility is to attract jobs and keep people working. Reynolds will be supporting it because of the arts, but also because of the jobs it will bring. Reynolds added that she knows that the Enterprise Group has been bringing in many jobs. Mahoney will also be supporting the Armory Arts Project, and she doesn't feel that the Board should be holding the Arts Project hostage over the fair parking issue. It's important to know that this project is going to bring jobs to the community and also cause Jackson to be a destination. We have many professional artists that make a tremendous contribution to our community. Mahoney works for Workforce Development; their whole mission is to make sure that we can get jobs and maintain jobs. Her office works closely with the Enterprise Group. The state was out to TRW trying to offer incentives to get them to stay. Brittain said that last month he voted against this motion because he had requested some information that he hadn't received. It was a miscommunication, and it was e-mailed to him, but he doesn't get his e-mail very often. Mr. Elliott stated

that this is a motion for reconsideration of the original motion. If this motion passes, the main issue would then be before the Board. Roll call. (12) Yeas. The motion to reconsider passes unanimously.

B. *Moved by Mahoney support by Brittain to allow the resolution.* Wilson clarified that he was not blaming the Enterprise Group for what happened to TRW. Wilson stated the he had a long discussion with Steve Czarnecki last week and he assured him that they would get developers in, but they had to get this resolution passed so that there was no question as to the ownership of the property. There has been talk about the housing and that fact that it only will be for artists. Will it be considered discrimination if any person with low income applied that was not an artist? Mr. Czarnecki answered that both federal and state law address it very specifically. We cannot discriminate over who moves in there, but through promotion of the project we have numerous artists already lined up who would presumably qualify under the federal guidelines for low income housing. It's possible that someone could move in that is not an artist; we would have to take them. Berkemeier said that if you haven't been to the Art 634 building, you should to go and see the excitement the Armory Arts Project has brought to the community. It's going to going to bring vibrancy to Jackson . Roll call: (12) Yeas. Motion carried unanimously.

C. *Moved by Mahoney supported by Wilson to Change dates of September Committee and Board Meetings.*

**PUBLIC COMMENT:**

Public comment began at 9:50 p.m. with Nancy Camden thanking the Board for their vote on the Armory Arts Project, and reminding the Board that these artists are really small business owners who will be passing their earnings on to other small business owners in the community.

**COMMISSIONER COMMENTS:**

Berkemeier commended Sally Griffis and her team on a wonderful fair this year.

Wilson asked what the reason is for going back to the small committee structure as opposed to committee of the whole. Herl answered that the committee of the whole meetings have been a lot of demonstrations, and we are not getting into the details of the issues. We will still be calling committee of the whole meetings, as we need them.

Brittain said that last month when he voted against stopping the sale of animals to research, he said that if someone were willing to make up the \$2,000 or \$3,000, he would be willing to support eliminating animal research. They agreed to do it for one year, and then he came up with a compromise, if they would be willing to put it in writing, and volunteer a certain number of hours every year, that would be acceptable. That would not only help the County in the financial aspect but also pet owners.

Wilson said that the community offered to build and staff a shelter a year ago. He feels that animal research plays an important part in research. He would need to see a real commitment to staff and build that shelter before he would be willing to stop selling animals to Class B dealers.

Shotwell said that people who are concerned with the animals in this community already do volunteer time at the shelter. Class B dealers aren't used to help people, Class A animals are raised specifically for that purpose.

**CLOSED SESSION:**

None

**ADJOURNMENT:**

*Moved by Mahoney supported by Reynolds to Adjourn to the call of the Chair.* Motion carried. The August 23, 2005 meeting of the Jackson County Board of Commissioners was adjourned at 10:00 p.m.

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