

Jackson County Board of Commissioners Meetings Minutes
September 16, 2003 - Regular Meeting
Jackson County Commissioners Chambers: 7:00 p.m.

CALL TO ORDER:

Chairman Rice called the September 16, 2003 meeting of the Jackson County Board of Commissioners to order at 7:02 p.m.

INVOCATION:

Cmdr. Elwell

PLEDGE OF ALLEGIANCE

ROLL CALL:

(11) Present: Cmr. Adams, Brittain, Day, Baxter, Videto, Shotwell, Lacinski, Wilson, Elwell, & Rice. **(1) Absent:** Cmr. Herl & Mahoney

APPROVAL OF AGENDA:

Moved by Baxter supported by Brittain to Approve the Agenda as published. Elwell asked to add a Closed Session to discuss contract negotiations after item 16 Public Comment, and for the addition of 10 B. Personnel & Finance. Lacinski asked that items 12A.5, Resolution regarding sewer issues, and 12A.6, Resolution regarding Sanctity of Marriage be eliminated from the agenda. Lacinski said that the State has a law regarding Sanctity of Marriage and it is not a county issue. Elwell called for point of order stating that it is not appropriate to remove these items before the public can address them. Rice stated that it is his decision to remove the items. Brittain agreed with Elwell that it should be left on for debate. Wilson also concurred. Rice called for a roll call vote on the amended agenda with Elwell's 2 additions and Lacinski's 2 subtractions. Roll call: (6) Yeas: Cmr. Adams, Day, Videto, Shotwell, Lacinski, & Rice. (4) Nays: Cmr. Brittain, Baxter, Wilson, & Elwell. Motion carried.

AWARDS & RECOGNITIONS:

A. Employee of the Month of September – Robert Eaton, Facilities Service Worker presented by Rice remarks by Dave Holubowicz.

COMMUNICATIONS/PETITIONS: None.

SPECIAL ORDER/PUBLIC HEARINGS: This was scheduled for 7:20 so we moved on to item 9.

PUBLIC COMMENT:

Public Comment began at 7:16 p.m. with Jeannie Laimon requesting support for the EDC Board.

Pastor Keith Stoler gave his feelings on the Sanctity of Marriage and requested that the Commissioners reconsider voting on the issue.

Public Comment was suspended at 7:20 p.m. for Special Order/Public Hearing.

SPECIAL ORDER/PUBLIC HEARING:

A. Public Hearing to Receive Comments Regarding the County's Application for MSHDA CDBG Funds for Single Family Housing Rehab Loans

Nancy Camdon of Hanover congratulated the Board on realizing that the Sanctity of Marriage issue is a state issue and not a county issue. Suppression and repression is not the job of the Commission.

Katheryn Keersmaekers requested support for both the BRA and the EDC Boards.

Larry Baxter requested support for the BRA Board

Jim Powers requested support for the EDC Board.

John Hoffius expressed confusion over the removal of the items from the agenda.

Ryan Philipps expressed that he was troubled by Baxter's resolution pertaining to the Sanctity of Marriage.

Pastor Lawrence LaFollette expressed his gratitude to the members of the Commission that support the Sanctity of Marriage. Marriage is the longstanding foundation of the family unit.

Pastor Amos Williams declared that God made Adam and Eve, a man and a woman. God did not join men and men.

At 7:40 p.m., Minister Lonnie Baswell expressed that he expected the voice of the people to be heard. He appreciates what Baxter has done, and is not proud of some of the cultural moves in the country. There is going to be an election and God's vote will last an eternity.

Ray Snell felt that the Commissioners should take a stand on the Sanctity of Marriage and send a message to the federal level. The citizens should know where their leaders stand.

Dale Moretz stated that he didn't have any problem with the intent of the Resolution pertaining to the Sanctity of Marriage, but the constitution was designed to limit government involvement and assure liberties.

JC Smith shared his astonishment over the amount of hatred by Christians. Baxter reading the definition of marriage on the radio also offended Mr. Smith. Your private life is no one's business and the Commissioners should stick to the issues.

At 7:56 p.m. Wilson requested to separate the agenda items. Brittain supported this after Public Comment closed. Elwell indicated that they had violated their own rules by removing the items from the agenda.

Neeta Delany continued Public Comment by stating that she is against the Resolution regarding Sanctity of Marriage. She finds it redundant as the State of Michigan banned same sex marriages. This Resolution detracts from other important issues that need the Board's full attention. This is a powerful message of intolerance.

Public Comment closed at 8:04 p.m.

Adams expressed confusion that Lacinski wanted the Sanctity of Marriage Resolution pulled for further investigation. Adams is in favor of debating the issue. Lacinski indicated that the Legislature is coming back the 23rd to look at the issue and there should be more clear information at that time. Apparently there was an issue that a couple got married in Ontario, where same sex marriages are legal and then came back to Oakland County and tried to claim the same rights as a married couple. Baxter interjected that if it's being removed to do more research, it should be tabled and not removed. Chet stated that in order to change the motion, someone from the prevailing side must make the motion. *Moved by Adams supported by Shotwell to reconsider the motion removing 2 issues and adding 2 issues to the Agenda.* Motion carried.

Moved by Adams supported by Shotwell to divide all 4 issues. Motion carried.

Moved by Elwell supported by Brittain to add a Closed Session after the final Public Comment to discuss Union Negotiations. Motion carried.

Moved by Elwell supported by Shotwell to add Personnel & Finance as item 10B under Special Meetings of Standing Committees. Motion carried.

Moved by Wilson supported by Baxter to add the Resolution pertaining to the Sanctity of Marriage back into the agenda. Motion carried.

Moved by Wilson supported by Brittain to add the Resolution urging a solution between the City and Townships on Sewer issues. Shotwell indicated that he would be voting no as the Township Supervisors have asked the Board of Commissioners to back out. Motion carried with the record reflecting a nay vote from Shotwell.

SPECIAL MEETINGS OF STANDING COMMITTEES:

- A. County Affairs
- 1. Hiring of Equalization Director

B. Personnel & Finance

1. To approve the County's 2003 Tax Rate Request – Form L4029, as revised
2. To adopt Resolution (09-03.29) which establishes the 2003 Jackson Millage Rates.

CONSENT AGENDA:

Moved by Day supported by Elwell to approve the Consent Agenda items A through K as contained in the following Consent Agenda list: Wilson requested item G be pulled for clarification.

- A. Approve the Minutes of the July 8, 2003 Closed Session (carried over from last month)
- B. Approve the Minutes of the August 12, 2003 Regular Board Meeting

COUNTY AFFAIRS:

- C. Approve revised Purchasing Policy No. 2070, Conflict of Interest, which more specifically defines the meaning of the policy

COUNTY AGENCIES:

HUMAN SERVICES:

- D. Approve the Health Departments FY 2003/2004 Comprehensive Planning, Budgeting and Contract (CPBC) Agreement with the Michigan Department of Community Health and the 2003/2004 Contract for Services between NDEQ and the Health Department

PERSONNEL & FINANCE:

- E. Approve the Sheriff Department's applications for a U.S. Department of Justice FY 2003 Local Law Enforcement Block Grant (LLEBG) (\$19,216 + \$2,135 local match to be taken from the Narcotics Asset Forfeiture Account = \$21,351) and the Annual Renewal of the OHSP Secondary Road Patrol Grant in the Total amount of \$267,078 for FY 2003/2004, which is fully funded by the State of Michigan.
- F. Approve District Court receiving the Byrne & Local Law Enforcement Block Grant funding in the amount of \$25,168 requiring a local match of \$37,753 for a total of \$62,921, to be utilized for an Anti-Domestic Violence Probation Officer.
- G. Approve establishment of a New Justice Center Fund from monies appropriated from District Court revenue- the Court will increase court costs for civil infraction cases by \$4.00 and misdemeanor cases by \$5.00- and the monies collected from the increase in court costs will be deposited in a New Justice Center Fund that will be used exclusively to offset the costs and expansion or the design and construction of a new justice center when it is determined that the existing courthouse can no longer meet the needs of the judiciary and the community.
- H. Approve the District Court's budget adjustment amending Drunk Driving Assistance Line Items by \$27,931.93 in additional revenue
- I. Approve the Youth Home's application and expenditure of Juvenile Accountability Incentive Block Grant (JAIDG) funds in the amount of \$23,130, which requires a cash match of \$2,570, which has already been allocated.
- J. Authorize the transfer unscheduled revenue in 292-664 (Rental Receipts-State) up to \$25,000, to offset any needed budget adjustments in 292-682
- K. Establish a Budget Public Hearing on the Proposed 2004 General Fund Budget, Capital Improvement Fund Budget and Equipment Fund Budget at the October 21st Board Meeting, 7:20 p.m.

Motion carried.

STANDING COMMITTEE REPORTS:

A. County Affairs:

1. *Moved by Day supported by Baxter to Appoint Larry Baxter to the seat on the BRA Board that expires 3-31-04 and either Jim Glen or Kathryn Keersmaekers to the seat on the BRA Board that expires 3-31-05.* Roll call: (8) Baxter, Cmrs. Adams, Brittain, Day, Videto, Shotwell, Lacinski, Elwell, Rice. (1) Keersmaekers.

Comr. Brittain. Comr. Baxter abstained from the vote. Larry Baxter was appointed to the BRA Board seat that expires 3-31-04. Roll call: (7) Keersmaekers. Cmr. Adams, Brittain, Baxter Shotwell, Wilson, Elwell, & Rice. (3) Powers. Cmr. Day, Videto, & Lacinski. Kathryn Keersmaekers was appointed to the BRA Board seat that expires 3-31-05.

2. *Moved by Day to Appoint Kathryn Keersmaekers, Jeanne Laimon, or James E. Powers to the unexpired seat on the EDC Board until February of 2008.* Roll call: (7) Laimon. Cmr. Adams, Day, Videto, Lacinski, Wilson, Elwell, & Rice. (2)

Keersmaekers. Cmr. Baxter & Shotwell. (1) Powers. Comr. Brittain. Jeanne Laimon was appointed to the unexpired seat on the EDC Board until February of 2008.

3. *Moved by Day supported by Baxter to appoint either Comr. Baxter or Wilson to fill the 1 unexpired seat on the LifeWays Board until 3/31/04.* Roll call: (6) Wilson. Cmr. Adams, Brittain, Videto, Wilson, Elwell, & Rice. (4) Baxter. Cmr. Day, Baxter, Shotwell, & Lacinski. Comr. Wilson was appointed to the unexpired seat on the LifeWays Board until 3/31/04.

4. *Moved by Day supported by Baxter to adopt Resolution (09-03/32) Advising and Consenting to the Appointments of Comr. Greg Wilson, Chet Taraskiewicz, Phil Willis, Vickie Bowzer and Phil Hayne as Members of the Commission to the County of Jackson Hospital Finance Authority until 12/31/03.* Roll call: (10) Yeas. Motion carried unanimously

5. *Moved by Day supported by Brittain to Adopt Resolution (09-03.37) Urging a Solution between the City and Townships on Sewer issues. Moved by Elwell supported by Shotwell to Table this motion.* Motion tabled with the record reflecting a nay vote for Brittain.

6. Regarding adopting Resolution (09-03/38 Protecting the Sanctity of Marriage. Shotwell thinks that the Board needs to send a message to motivate Lansing. Wilson indicated that his constituents have asked him to support this Resolution. Baxter wanted to thank everyone, for or against, for allowing democracy. Baxter went on to give the dictionary meaning of marriage. He also stated that we don't have jurisdiction, but words mean something. *Moved by Baxter supported by Day to Call for the Question.* Roll call: (9) Nays. Cmr. Adams, Brittain, Day, Videto, Shotwell, Lacinski, Wilson, Elwell, & Rice. (1) Yea. Comr. Baxter. Motion to Call for the Question failed. Debate continues. Elwell stated that he had overwhelming calls in favor of the Resolution. Day believes in the Sanctity of Marriage and wishes they could solve the divorce problem with a Resolution. Baxter said that this has no religious ties; it's just encouraging the State Legislator's to act. Wilson took exception to the comment comparing the rights of same sex marriages to being black or being a woman and getting to vote. Roll call vote on passing Resolution (09-03.38) Protecting the Sanctity of Marriage. (7) Yeas. Cmr. Adams, Brittain, Day, Baxter, Shotwell, Wilson, & Elwell. (3) Nays. Cmr. Videto, Lacinski, & Rice. Motion carried.

7. *Moved by Day supported by Baxter to concur with the recommendation of the Administrator/Controller to offer the salary of \$72,000 a year to JuliAnn Kolbe, CMAEIV, to fill the permanent, full-time Jackson County Equalization Director position, effective September 17, 2003.* Motion carried.

B. County Agencies:
Nothing to report

C. Human Services:

1. *Moved by Brittain supported by Baxter to Adopt a Resolution Honoring Jim Mahatzke, Recipient of the 2003 Senior Citizen of the Year Award for Volunteer Service.* Roll call: (10) Yeas. Motion carried unanimously.

2. *Moved by Brittain supported by Baxter to Adopt a Resolution Honoring Joe Evans, Recipient of the 2003 Senior Citizen of the Year Award for Volunteer Leadership.* Roll call: (10) Yeas. Motion carried unanimously.

3. *Moved by Brittain supported by Baxter to Give Second and Final Reading to the Proposed 2003/2004 Health Department Fee Increases with the Exception of the Food Licensing Fee Increases.* Roll call: (5) Yeas. Cmr. Day, Baxter, Wilson, Elwell, & Rice. (5) Nays. Cmr. Adams, Brittain, Videto, Shotwell, & Lacinski. Tie vote, motion fails.

4. *Moved by Brittain supported by Wilson to Give the Second and Final Reading to the Proposed 2003/2004 Health Department Food Service Licensing Fee Increases. Moved by Elwell supported by Lacinski to Table the Motion.* Motion carried. Motion regarding the Health Department Food Service Licensing Fee Increases tabled.

5. *Moved by Brittain supported by Shotwell to Adopt Resolution Authorizing Application for 2004 Michigan CDBG Funds and Approval of Revised Budget of \$450,000.* Roll call: (10) Yeas. Motion carried unanimously.

D. Personnel & Finance:

Item G from the Consent Agenda. *Moved by Elwell supported by Shotwell to Approve Establishing a New Justice Center Fund with Increased District Court Revenues Earmarked Exclusively to Offset Costs of Expansion or the Design and Construction of a New Justice Center when Deemed Necessary.* Elwell explained that the judge's set the fee and the Commission sets up the fund. Adams added that sooner or later we will have to replace or renovate the courts and in 20 years it could already be paid for by this fund. Motion carried.

1. *Moved by Elwell supported by Day to Adopt the Resolution to Approve the First Amendment to the Bond Contract and Authorize Issuance of Bonds for Jackson County Wastewater Disposal Facility (Vineyard Lake Area Section).* Roll call: (10) Yeas. Motion carried unanimously.

2. *Moved by Elwell supported by Baxter to Approve Sheriff Heyns' proposal on naming the Jackson County Jail, Chanter Road Facility buildings as follows:
James E. Rice Administration Building
Charles H. Southworth Barracks
Henry C. Zavislak Dining/Recreation Hall*

And to authorize two plaques in the entrance area recognizing the individual names of the current County Commissioners and the names of the current members of the Jackson County Building Authority. Moved by Baxter supported by Wilson to make a friendly amendment excluding the 3 new Commissioners and adding last years Commissioners. Elwell accepted the friendly amendment. Lacinski suggested dedicating it to the Citizens of Jackson County. Brittain indicated that he would be voting against the motion. He doesn't feel it's appropriate to name buildings after living people. Adams added that he'd rather see the contractor's names. Baxter requested a roll call. Roll call: (7) Yeas. Cmr. Adams, Day, Baxter, Videto, Shotwell, Wilson, & Elwell. (2) Nays. Cmr. Brittain & Lacinski. (1) Abstain. Cmr. Rice. Motion carried.

3. *Moved by Elwell supported by Baxter to Adopt the Resolution Adopting Amended & Related Section 125 Cafeteria Plan.* Roll call: (10) Yeas. Motion carried unanimously.

4. *Moved by Elwell supported by Baxter to Approve the County's 2003 Tax Rate Request – Form L4029.* Motion carried.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Moved by Brittain supported by Baxter to request the County Affairs Committee review whether the Jackson County Road Commission should be elected as opposed to appointed. Motion carried.

CONSIDERATION & ALLOWANCE OF CLAIMS:

Moved by Elwell supported by Lacinski to Approve the Claims. Motion carried.

PUBLIC COMMENT:

Public comment began at 9:05 with Charles Mead expressing his disappointment that the Commission took the issue of Sanctity of Marriage off the agenda and put it back on again. Mr. Mead feels that this is just one group oppressing another. It is a redundant and mean spirited issue because there is already a law against same sex marriages.

Jeannie Laimon offered her thanks to the Commission for her appointment to the EDC Board.

Nancy Camdon thanked the 3 Commissioners who voted no against the Sanctity of Marriage Resolution. She felt they had imagination and put themselves back into history regarding blacks and women voting.

Pastor Joseph O'Neil thanked the Commissioners who voted yes.

Lacinski left at 9:10 p.m.

JC Smith finished public comment at 9:10 p.m.

Wilson expressed his concern over rushing through tabling the Resolution pertaining to urging the City and the Townships to come to a Resolution regarding the sewers. If the City works with Albion, Jackson will dry up.

Moved by Elwell supported by Brittain to go into Closed Session to discuss negotiations. Motion carried. The Jackson County Board of Commissioners went into Closed Session at 9:15 p.m.

Moved by Shotwell supported by Baxter to return to Open Session. The Jackson County Board of Commissioners returned to Open Session at 9:52 p.m.

ADJOURN TO THE CALL OF THE CHAIR:

Moved by Shotwell supported by Elwell to Adjourn to the Call of the Chair. Motion carried. The September 16, 2003 meeting of the Jackson County Board of Commissioners was adjourned at 9:53 p.m.

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