

Jackson County Board of Commissioners Meetings Minutes
September 27, 2005 - Regular Meeting
Jackson County Commissioners Chambers: 7:00 p.m.

CALL TO ORDER:

Chairman Cliff Herl called the September 27, 2005 meeting of the Jackson County Board of Commissioners to order at 7:00 p.m.

INVOCATION: Cmr. Brittain

PLEDGE OF ALLEGIANCE

ROLL CALL:

(11) Present: Cmr. Lutchka, Brittain, Day, Reynolds, Videto, Mahoney, Berkemeier, Smith, Wilson, Gumbert, & Herl (1) Absent: Cmr. Shotwell.

APPROVAL OF AGENDA:

Moved by Reynolds supported by Brittain to Approve the Agenda as published. Moved Gumbert supported by Mahoney to Remove Item 15B "Authorization for the Administrator/Controller to Develop and Issue a Request for Proposals (RFP) process for brokerage services for the sale of the Woolworth Building, 165 W. Michigan Avenue, Jackson, MI". Motion carried. Main motion also carried.

AWARDS & RECOGNITIONS:

A. Presentation of Proclamation from the Honorable Governor Jennifer M. Grandholm Proclaiming the Week of September 9, 2005 as Michigan Aviation Week.

B. Employee of the Month for August and September, 2005

1. August-Carl Carmoney, Sergeant, Sheriff Department. Sgt. Carmoney was not present.

2. September-Connie Sands, Legal Secretary, Prosecutor's Office. Presented by Herl, remarks by Prosecutor Hank Zavislak.

C. *Moved by Mahoney supported by Videto to Adopt Resolution (09-05.50) Honoring Magistrate Myron E. Sanderson in the 12 th District Court Upon His Retirement.* Roll call: (12) Yeas. Motion carried unanimously. Presented by Herl with comments from Chief Judge Charles Falahee.

D. **Presentation of a Certificate of Appreciation to Precise Test Lab, Inc. as a Successful Brownfield Redevelopment Project Under the Brownfield Redevelopment Authority of JacksonCounty.** Accepted by David Miller from the Brownfield Redevelopment Authority of Jackson County, and Mr. and Mrs. Fowler of Precise Test Lab, Inc.

E. **Presentation of a Certificate of Appreciation to the JacksonCounty Prenatal Task Force as Sponsored by the Jackson County Health Department.** Presented by Dottie-Kay Bowersox and Louise Bernstein.

COMMUNICATIONS & PETITIONS:

Moved by Shotwell supported by Mahoney to Accept a Communication from the Audience Pertaining to Stray Dogs and Research. Motion carried.

SPECIAL ORDER/PUBLIC HEARINGS:

None.

PUBLIC COMMENT:

Herl began Public Comment at 7:32 p.m. by announcing that there was nothing on the agenda pertaining to Veteran's or Pound Seizures.

People expressing their opinions against merging Veteran's Affairs with Department on Aging are as follows:

Robert Kiska

Eric Johnson

Arnold Schneider

Don Godeck
Jerry Kill
Jenae Cohler
Barbara Wilmouth
Charlie Prescott
Gary Strernamen
Arlie Lentz
Mike O'Keefe

People expressing their opinions pertaining to pound seizure, and against the sale of animals for research are as follows:

Nancy Camden
Judy Dynnik
Vern Webster
Patience Miller
Lisa McCulley
Kristen Reagan

Jim Gallant thanked the Board for his appointment to the Mid-South Substance Abuse Council. Mr. Gallant also expressed concern that the FOC Citizen's Advisory Committee is falling apart due to lack of guidance from the Board of Commissioners. He also stated that there are at least a dozen violations of the Open Meetings Act.

Tim Camp, Director of Operations for Vista Grande Villa asked that the Commissioners support the storm water flowage agreement.

Greg Wilson stated that under "Commissioner Comments" he would be offering a motion to remove any consideration of the consolidation of the veteran's with the Department on Aging, and hoped that there would be support. He feels the Board needs to stop putting the veteran's through the angst that they have been enduring. By sending the message now, Mr. Elliott will have plenty of time to adjust the budget initiative.

SPECIAL MEETING OF STANDING COMMITTEES:

A. County Agencies:

System Purchase Contract between Advanced Wireless Telecom and the County of Jackson

MINUTES:

Moved by Mahoney supported by Videto to Approve the Minutes of the August 23, 2005 meeting of the Jackson County Board of Commissioners. Wilson requested two corrections. On page 3 of 11 under Public Comment, John Wilson's name is changed to Nelson. Also, on page 9 of 11 under Unfinished Business, it should have reflected the motion being made by Wilson and supported by Reynolds. Randy Treacher interjected that he had paid close attention to this motion from a parliamentary standpoint. The motion had to be made from the prevailing side, and it was his clear recollection that the motion was made by Wilson and supported by Reynolds. *Moved by Wilson supported by Reynolds to accept the amendments.* Roll call on amendments: (12) Yeas. Motion carried unanimously. Roll call on main motion (12) Yeas. Motion carried unanimously.

CONSENT AGENDA:

Moved by Videto supported by Mahoney to Approve the Consent Agenda Items A through H as follows:

County Affairs:

A. *Amended Grant for Preliminary Engineering (Federal Project #B-26-0051-1302) (Contract #2003-0149) Noise Study for Runway 7-25*

B. *Storm Water Flowage Agreement with Vista Grande Villa Retirement Community, 2251 Springport Road, Blackman Township*

County Agencies:

None

Human Services:

C. *Year-End Budget Adjustments for the FY 2005 Annual Budget for the Health Department*

D. Agreement between Michigan Department of Community Health and Jackson County on behalf of the Jackson County Health Department for the Delivery of Public Health Services under the Comprehensive Planning, Budgeting and Contract (CPBC) Agreement

Personnel & Finance:

E. Payment of \$15,000 from General Fund Contingency to the Food System Economic Partnership for FY 2005

F. Addendum to Purchase Agreement for Vacant Land for the Falling Waters Trail Project-Charles T Kuntzleman and Beth A. Kuntzleman

G. Budget Adjustment for Non IV-D Medicaid Revenues and IV-D Judgment Fees for the Friend of the Court

Claims:

H. Claims dated 08/01/05 – 08/31/05 as presented to and approved by the Standing Committees

Wilson requested that Items E and F be removed from the Consent Agenda. Motion carried.

STANDING COMMITTEES:

A. County Affairs: Commissioner John Day

1. County Affairs 09/19/05 Meeting Minutes – no action required

2. **Moved by Day supported by Wilson to Appoint Brian Bornefeld to the Friend of the Court Advisory Committee-Mental Health Representative, Term to March 2008. Moved by Mahoney supported by Brittain to Close Nominations and Cast a Unanimous Ballot for Brian Bornefeld.** Motion carried.

3. **Moved by Day supported by Wilson to Appoint Howard Griffis to the Department on Aging Advisory Council-Public Member, Term to December 2006. Moved by Mahoney supported by Brittain to Close Nominations and Cast a Unanimous Ballot.** Motion carried.

4. **Moved by Day supported by Mahoney to Adopt Resolution (09-05.53) Opposing Legislation to Require Municipal Golf Courses to Pay Property Taxes.** Brittain feels that if law abiding, tax paying citizens have to pay, the government should have to pay also, either that, or don't make the private golf courses pay taxes either. Roll call: (10) Yeas. Cmr. Day, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Wilson, Gumbert & Herl. (2) Nays. Cmr. Lutchka and Brittain. Motion carried.

5. **Moved by Day supported by Mahoney to Adopt Resolution (09-05.52) Opposing House Bill 5124 Regarding Fee Administration within the Register of Deeds.** Wilson stated that he voted no in committee, but that he will be voting yes tonight. Wilson talked with Representative Baxter's office a couple of times on this issue and was told that at this point the resolution doesn't address many of the issues because there is still much discussion occurring between the two groups at this time. There may a need to be another resolution down the road. Brittain will be opposing this resolution. The Register of Deeds charges \$1 per page for making copies, and they should reduce their fees just as the Bill calls for. Roll call: (11) Yeas. Cmr. Lutchka, Day, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Wilson, Gumbert, & Herl. (1) Nay. Cmr. Brittain. Motion carried.

B. County Agencies: Commissioner Judy Reynolds

1. County Agencies 09/19/05 Meeting Minutes-no action required

2. **Moved by Reynolds supported by Shotwell to Approve the Bid Award for the VHF Conventional Communications System in the Amount of \$2,035,421.** Brittain will be opposing this because we asked for a minimum of three bids, and only two were turned in out of nine. He believes that we could have saved more money if more of the bids had been turned in. Roll call: (11) Yeas. Cmr. Lutchka, Day, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Wilson, Gumbert, & Herl. (1) Nay. Cmr. Brittain. Motion carried.

3. **Moved by Reynolds supported by Mahoney to Approve the System Purchase Contract between Advanced Wireless Telecom and the County of Jackson for the VHF Conventional Communications System Pending Final Legal Review.** (11) Yeas. Cmr. Lutchka, Day, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Wilson, Gumbert, & Herl. (1) Nay. Cmr. Brittain. Motion carried.

4. *Moved by Reynolds supported by Mahoney to Approve the Request for the Michigan Department of Corrections for the Community Corrections Grant in the Total Amount of \$492,010, including \$282,510 for Probation Residential Services and \$209,500 for the Community Corrections Grant Administration.* Roll call: (12) Yeas. Motion carried unanimously.

C. Human Services: Commissioner Phil Berkemeier

1. Human Services 09/19/05 Meeting Minutes-no action required.

2. *Moved by Berkemeier supported by Mahoney to Approve the Resolution Adopting Resolution (09-05.49) Adopting the FY 2006 Budget for the Jackson County Health Department.* Wilson expresses concern about the 5% increases across the board. *Moved by Wilson supported by Brittain to exempt veterans, seniors, and low-income families from the 5% increase.* Shotwell asked the Chair if Wilson had a definition of a low-income family. Wilson stated that the Health Department currently has guidelines that establishes the criteria for low-income. Randy Treacher interjects that there are several guidelines depending on what the program is. There is no single guideline. Reynolds said that this should have been brought up before committee, and then we could have had that clarification before we vote on it. Brittain explains that Wilson is trying to keep the fees the same for veterans, seniors and low-income families. *Moved by Gumbert supported by Mahoney to Call for the Question.* Motion carried with the record reflecting nay votes from Brittain and Wilson. Roll call on amended motion. (8) Nays. Cmsrs. Lutchka, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Gumbert, & Herl. (4) Yeas. Cmsrs. Brittain, Day, Smith, & Wilson. Amended motion failed. Roll call main motion. (10) Yeas. Cmsrs. Lutchka, Day, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Smith, Gumbert, & Herl. (2) Nays. Cmsrs. Brittain and Wilson. Motion carried.

D. Personnel & Finance: Commissioner James Videto

Consent Agenda Item E. *Moved by Videto supported by Mahoney to Approve Payment of \$15,000 from General Fund Contingency to the Food System Economic Partnership for FY 2005.* Wilson states that the reason he asked to have this item removed from the Consent Agenda is because we haven't received any written information, such as minutes of their meetings or progress regarding this initiative. Wilson does support it but we need to know what's going on when giving out money. Are we committed to 2006 and 2007? Wilson asked Lutchka for an update. Lutchka stated that he would send out e-mails from now on so there won't be any questions in the future. Their last meeting was at Cisco Food Products in Canton. One of the projects they are working on is getting healthier meals to the Detroit Public school system. They have received several grants to help with what they are working on. Last week the County Farm Bureau passed a resolution, contributed some funds and passed it on to the State Farm Bureau, hoping they will do the same thing. One of the bonds they are trying to break is when you purchase tomatoes from the vender in California in the winter, he says he will sell them to you, but you must also buy his tomatoes in the summer. Cisco is trying to help break that cycle. Wilson asked how this initiative is helping Jackson County? Lutchka answered that we are hoping to get some processing facilities in this county to help cut costs. After their third meeting, there were 15 possible projects before the committee. The University of Michigan is in the process of completing a survey that will better outline the needs of the community and we will know what additional facilities are needed. We need to know what we consume and what we produce in this area. There are two corn ethanol plant going in, so corn will be in higher demand. Roll call: (12) Yeas. Motion carried unanimously.

Consent Agenda Item F. *Moved by Videto supported by Reynolds to Approve the Addendum to Purchase Agreement for Vacant Land for the Falling Waters Trail Project.* Wilson asked if the transaction does not close before October 31, 2005, will it continue until agreement is reached, and was there a land appraisal done before the agreement? Videto responded that the reason for the extension to October 31 was that the Michigan Department of Transportation requires an appraisal, and that is in the works right now. It can be extended again. Roll call: (12) Yeas. Motion carried unanimously.

1. Personnel & Finance 09/20/05 Meeting Minutes-no action required.

2. *Moved by Videto supported by Mahoney to Adopt Resolution (09-05.47) Implementing the Provisions of Resolution (05-05.20) and Section 2 of the 9-1-1 Service Plan Amendment.* Brittain stated that he would be opposing this resolution because when he came on the Board in 1999 there was a 50-cent surcharge, and one year later, we eliminated it because the project was finished that they needed the money for. Then we adopted the 70-cent surcharge that is in effect now. Brittain doesn't believe people should pay additional taxes just because they have a telephone. Roll call: (10) Yeas. Cmsrs. Lutchka, Day, Reynolds, Videto, Mahoney, Berkemeier, Smith, Wilson, Gumbert, & Herl. (2) Nays. Cmsrs. Brittain and Shotwell. Motion carried.

3. *Moved by Videto supported by Reynolds to Adopt Resolution (09-05.48) Adopting the FY 2006 Budget for the Jackson County Friend of the Court and Directing the Resubmission of the Budget for Formal Re-Adoption upon Final Action by the State of Michigan.* Roll call: (12) Yeas. Motion carried unanimously.

4. *Moved by Videto supported by Mahoney to Adopt Resolution (09-09.45) Implementing the Provisions of Resolution (05-05.20) Consolidating the Facilities Department and Fleet Management Department into the Administrative Services Department.* Wilson states that he will not be supporting this resolution. He reminded the Board that they were told in March that the Friend of the Court building would be completed in May; this was delayed until they recently moved in September. This is an example of what happens when you combine Facilities and Administrative Services. You need direct supervision and someone who understands asbestos, plumbing, wiring, and working with architects and contractors. The Administrator and Randy have enough on their plate. Day will be opposing this also. He feels that it is a ploy to get everything under Administrative Services. Videto feels that it has an opportunity of working successfully. From the report from Facilities it appears that things are running very smoothly, and there seems to be a renewed vigor in taking on new responsibilities. We must be diligent as we implement these new ideas to monitor the results. Herl interjected that Wilson had requested some information and the Facilities Department put together a packet that also included Capital Outlay projects for the next five years. Berkemeier said that he would be supporting this. He has heard excellent reports coming through the committee, and it would be unfair to pin delays on the resorting of Facilities personnel. This is a key part of the streamlining of county government and it shows vision on the part of our Administrator. Roll call: (8) Yeas. Cmsrs. Lutchka, Reynolds, Videto, Shotwell, Mahoney, Berkemeier, Gumbert, & Herl. (4) Nays. Cmsrs. Brittain, Day, Smith, & Wilson. Motion carried.

UNFINISHED BUSINESS:

Wilson voiced his concern regarding the Chamber of Commerce partnership with the Lagoons Committee. The committee asked the Administrator to send a letter addressing their concerns that nothing has been done to put together a committee that was going to be overseen by the Chamber of Commerce. Reynolds' Board has done their work in appointing their representation; the County Board has appointed their representation. Wilson has placed numerous calls to Susan Milhoun at the Chamber, but she is not returning those calls. If the Chamber is not willing to move forward on the Cascades restoration project, we have every right to withdraw from that committee and re-establish our own committee under the direction of the Parks Board. Wilson said that he had talked with John Crist, the Chamber Chair and he said that they are working on it, but Wilson sees it going nowhere. Reynolds stated that there have been some things done. There is an appointment, but John Crist's wife is sick, and he hasn't been able to do all that he would like. We will be hearing from them shortly.

NEW BUSINESS:

Moved by Mahoney supported by Reynolds to Move for the Appointment of a Selection Committee for the Sale of the Woolworth Building, 165 W. Michigan Avenue, Jackson, MI. Roll call: (12) Yeas. Motion carried unanimously. Herl would like to keep Gumbert and Videto on this committee. It worked well with the sale of the Crouch Center. *Moved by Mahoney supported by Shotwell to Concur with the Appointments of the Chair.* Motion carried.

PUBLIC COMMENT:

Public comment began at 9:05 p.m. with Vern Webster. Mr. Webster complimented the Commissioners on their generosity in listening to Public Comment.

Nancy Camden spoke next. She stated that as long as the Animal Shelter is an issue, she would be down here. It warms her heart to live in a country where citizens can talk to their elected officials. It made her proud to see the room full. Most of us who feel compassion for animals are part of a philosophy of compassion. She speaks for those who can't speak for themselves. She will not be happy until there is a complete ban on the sale of animals to research.

Jim Gallant thanked the Board for appointing another member to the Friend of the Court Citizen's Advisory Committee. Mr. Gallant asked the Board to monitor the committee, ask them what they are doing, and give them some direction as to the rules of order. Mr. Gallant has applied for the second citizen's seat, and is offering to help with the rules of order.

COMMISSIONER COMMENT:

Reynolds shared that she had lunch with six Irishmen from our sister city. She asked them about their commission; they have 17 councilmen, 7 of which are women, and they have 3 active parties. They can meet anywhere, anytime, with anyone. They can go in a room and close the door for discussion. They also just loved Jackson. Reynolds brings greetings from Ireland.

Day wanted to be certain that everyone knew that the Board would be discussing the Animal Shelter issue at the Committee of the Whole. Herl said that this issue has been ongoing, and he would like to get a consensus from the Board. Brittain asked how they were going to fit everyone in the conference room on the sixth floor; and suggested they plan the meeting in the Commission Chambers. Brittain also said that they should look into the meetings of

the FOC Advisory Committee. He thinks that if they have a majority, they can hold a meeting. Wilson has offered to sit in on the FOC Advisory Committee meetings as an observer to help them run more smoothly.

Wilson had updated committee on the purchase agreement for LifeWays. Gumbert had expressed concern about the price that was negotiated for that facility. Wilson said that Nancy Miller has made numerous attempts to get in contact with Bob Elliott to get on the agenda to explain what is going on at LifeWays; she has been unsuccessful at each turn. Wilson feels that Mr. Elliott needs to keep the Board in the loop with information that is provided to him. Gumbert said that at \$8.5 million for the LifeWays facility it's a \$3 million building on a \$5 million location, our mental health facility doesn't need that kind of visibility. As long as the building is accessible and on a bus route, that would be acceptable. We may need to purchase property and build a new, state-of-the-art facility on it. The current building is over 50 years old. We are also talking about subsidizing the payments of the building by leasing to the current occupants. Gumbert is uncomfortable with competing with the private sector. Gumbert has many concerns and she would love to have Nancy come before the Board. Gumbert has also talked with many brokers in the area, and they don't feel that to be the best use for the property. Shotwell does not feel that Mr. Elliott has shortchanged his communication with LifeWays. LifeWays did contact us, and the Chair and Mr. Elliott decided not to have them on the Agenda for the Committee of the Whole. LifeWays, as a managed care facility is putting together a presentation, and would like to show us what they would like to do with the property. LifeWays did a feasibility study and a marketing study searching for property and this is the best location for their client base. At some time in the future, it is their intention to meet with us in a public forum and answer all of our questions. Herl said that Mr. Elliott talked with the bond council, and there were some answers that they wanted to get before we meet with LifeWays. Mahoney feels that it is important for the boards that we appoint to be given the opportunity to go before the Committee of the Whole. Her board had asked her to make an appointment to be on the agenda; she did try, but was not given an opportunity. Shotwell said that one thing to be remembered was that everything was not finished. That's the reason it wasn't brought here. Mahoney feels that as a Commission, if one of our boards wants to come to us before the deal is done, they should be able to. Wilson interjected that they did attempt to get on the agenda for Human Services and Committee of the Whole; they didn't want to come before us on the night of the vote with many unanswered questions. Wilson asked that we please extend an opportunity to Nancy Miller to give us information before we vote.

Wilson then expressed concern about the fact that the Commissioners were notified that they would once again be meeting in small committees. Wilson feels that these need to be published as open meetings, as the Citizen Patriot will be watching.

Wilson would like to make a motion pertaining to the merging of Veteran's Affairs merging under the Department on Aging. Herl said that is out of order, that the issue would need to go back to committee. Shotwell urges Wilson to have it return to committee and come back before the Board next month. Wilson feels that the issue is languishing in committee. Gumbert interjects that the veteran's have valid concerns, and that we need to go back to committee and do our homework. Gumbert said that if Wilson makes the motion now, it will be out of order and it would be voted down and send the wrong message. Randy points out that this Board passed a resolution last month; therefore the motion is out of order without previous notice, according to Roberts Rules of Order. Also it is against your own Board rules, which require that the Administrator must research items like this. It's also contrary to the resolution that you passed last month, which said that all budget initiatives would come through the Personnel and Finance committee. Therefore, there are several reasons that the motion is out of order at this time. It would certainly be proper to go through committee and then come back before the Board. Day asks Wilson to let the issue go back through committee because he doesn't want to see it voted down for the wrong reasons. Videto feels that the Board is getting sidetracked. We are under Commissioner Comments, but are being drawn into debatable issues. It happens all too often that we sit here on the Commission floor and deal with issues that should be going through the committee structure. Randy said that the intent of the Administrator, and the resolution that was passed last month, that all issues, with the exception of reorganization of facilities and fleet, and the 9-1-1 surcharge, all the rest that effect the budget will be coming through the appropriate committees. Wilson points out that this issue has been discussed at length, and we should not continue to hold it over the heads of veteran's. We need to keep the veteran's department a separate, operating portion of our government. To do anything different will be doing a disservice to them and the people that support their cause. Wilson stated that he will not be making the motion, but we need to seriously think about what the administration is trying to do. Wilson would ask someone on Personnel and Finance to pull that issue.

CLOSED SESSION:

Moved by Reynolds supported by Gumbert to go into Closed Session for the Purpose of Collective Bargaining. Roll call: (12) Yeas. Motion carried unanimously. The Jackson County Board of Commissioner went into Closed Session at 9:35 p.m.

Moved by Mahoney supported by Reynolds to Return to Open Session. Motion carried. The Jackson County Board of Commissioners returned to Open Session at 9:56 p.m.

ADJOURN:

Moved by Mahoney supported by Reynolds to Adjourn to the Call of the Chair. Motion carried. The September 27, 2005 meeting of the Jackson County Board of Commissioners was adjourned at 9:56 p.m.

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