

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

FEBRUARY 16, 2012

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, February 16, 2012 in the Commissioners' Meeting Room, County Building, Marshall, MI.

Chairman Kale called the meeting to order and requested the Deputy Clerk call the roll.

Present: Comrs. Todd, Haadsma, Camp Seifke, Frisbie, VanSickle and Kale

Excused: Comr. Dunn

Staff Present: Administrator/Controller Kelli Scott, Assistant County Administrator Brad Wilcox Corporation Counsel Richard Lindsey, and Deputy Clerk Chris McComb

2 and 3. INVOCATION AND PLEDGE OF ALLEGIANCE

The Board held a moment of silence in memory of Comr. Dunn's mother followed by the Pledge of Allegiance led by Comr. Todd.

4. APPROVAL OF AGENDA

"Moved Comr. Haadsma, supported by Comr. Todd to approve the agenda of the February 16, 2012 Regular Session of the Calhoun County Board of Commissioners as presented.

On a voice vote, Motion CARRIED

5. APPROVAL OF MINUTES

A. Minutes of the February 2, 2012 Regular Session

"Moved Comr. VanSickle, supported by Comr. Haadsma to approve the minutes of the February 2, 2012 Special Session of the Calhoun County Board of Commissioners as presented."

On a voice vote, Motion CARRIED

6. CITIZENS' TIME

Dale Jenks, lifelong resident of Calhoun County, resident of Marshall Township, and a long time employee of the Calhoun County Road Commission thanked the Board for appointing new Road Commissioner Doug Wildt. He stated Wildt was the right man for the job, he was recognizing problems right off the bat, was addressing them and he deserved everyone's support. Jenks stated that he, as an employee, and several other employees wanted to show their support and any support the Board could give him would be appreciated. He stated everyone just wanted what was best for the Road Commission; they were citizens just like everyone else and employees would support what choices were made for change.

Mark Webb announced his candidacy for Calhoun County Prosecutor. He stated he had lived in Calhoun County for 21 years; had been a practicing attorney for over 20 years, with 14 as Assistant or Chief Assistant Prosecutor; and was currently the Chief Assistant Prosecutor in Branch County. He stated he was a member of the Marshall City Council for 5 years so he had plenty of Administrative and trial experience for the position. He stated as a Prosecutor he promised to seek justice aggressively for victims of crimes, he would engage the community by attending meetings, attend service meetings to keep people well informed of issues and laws, and he would establish and maintain good relationships with all law enforcement agencies in the County.

Jim Coury presented the completion of a key project for the region of southwest and south central Michigan, the Southwest Michigan Alliance for Recreational Trail Group, Michigan Trailway Group and the Calhoun County Trailway Alliance. He stated the completed project was the Southwest Michigan Road and Trail Bicycle Guide and its associated Southwest Michigan Non-Motorized Transportation Plan. The formal title is *Connecting Communities: A Regional Vision for Non-Motorized Transportation in Southwest Michigan* and includes the counties of Allegan, Barry, Berrien, Branch, Calhoun, Cass, Kalamazoo, St Joseph and VanBuren. The lead agencies were the Southwest Michigan Planning Commission, Marcie Koklaw and Susan Flowers and Michigan Department of Transportation, with over thirty-three partnering agencies involved in the study and the map's completion. He stated the project took place over 3 years at a cost of \$130,000. He stated there was an increased interest in bicycling and walking and momentum was building to develop more non-motorized facilities and trails. Coury stated many municipalities have developed their own transportation plans; however, there is no current region wide plan or vision for creating a non-motorized system connecting urban, suburban and rural communities throughout Southwest Michigan. He stated that while communication has improved there is still a disconnect when planning for non-motorized facilities, especially those that go beyond non-jurisdictional boundaries. He noted that while interest has grown, funding has become constrained. He stated the plan provides information to local agencies to assist them when making decisions about non-motorized transportation. Coury distributed copies of the study, which he stated was a powerful planning tool. He stated all the local planning agencies as well as the Visitor & Convention Bureau have received copies. He stated it was a good tool for recreation and tourism and the maps provided the locations of trails and other facilities.

7. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

Sheriff Al Byam stated he was there to point out several things good things done by his employees, to commend them and make sure the Board was aware of them. He noted that the previous Friday Kent County suffered extensive damage to parts of their jail facility when a crane boom fell through the building. He stated they were contacted and asked to assist, and Calhoun County then took in 60 inmates from the Kent County facility and it looked like they would be there for quite some time. He noted his employees had done an excellent job processing the inmates and getting them settled in. The Sheriff then apologized to the Commissioners for not letting them know about the situation, as it all came up quickly. He stated the second thing was that the Calhoun County facility comes under extreme scrutiny because of housing Federal inmates. Byam stated in December and January the facility was subject to some very demanding inspections by the Office of Detention Oversight and the Bureau of Customs and Immigration Enforcement and came through with flying colors. He stated the employees showed exemplary professionalism and when the team left in January they commented the Calhoun County facility was the best in the region. He stated he was very proud of the employees and the job they do. He stated the third thing he wanted to bring the Board's attention to was an article in K-PEP that focused on the work of Scott Eby and his collaboration with K-PEP, utilizing men from their programs to help with the eviction process. He stated doing evictions was not always a pleasant job but Scott Eby handled it very well, creating a good working relationship with K-PEP and had even been able to provide recommendations for some of the program participants. He stated Scott Eby and Rick Redman were the two who developed the program.

8. SPECIAL ORDER OF BUSINESS

A. Presentation from the Calhoun County Visitor Bureau

Linda Freybler, CEO of the Calhoun County Visitor Bureau, thanked everyone for having her and stated she had been the CEO for about 2 years. She presented a slide show and an overview of the Visitor Bureau. She stated their mission was to enhance Calhoun County through tourism. She stated they work in partnership and collaboration with other organizations to bring visitors and events to Calhoun County. She noted some of the organizations they work with are the area chambers, the Calhoun County fairgrounds, the Kellogg Arena, Battle Creek Parks and Recreation, local hotels and a variety of others. Freybler stated the Visitor Bureau had five goals for 2012: to bring new events that support health and wellness, build meetings and convention business, increase marketing and communication to promote Calhoun County as a tourist destination, collaborate with other organizations to better utilize resources and coordinate marketing services, and to provide excellent customer service. She gave an overview of the 2012 highlights, such as the Hero Rush and advertising for the Oaklawn Hospitality Classic, Cereal City classic and the Cheetah Chase races, as well as festival advertising. She stated there had been Geocache events and the meetings and conventions business was growing. She reviewed all the large sports tournaments for baseball, volleyball, wrestling, softball that take place in the county. She thanked the Board for the opportunity to share what they were doing and asked they let her know if there was anything they needed.

Comr. Todd inquired how many people were on the CCVB Board and was told twelve. He inquired how many were minorities and was told none. He stated he had inquired before about the goal to market to minority populations because Calhoun County is becoming more ethnically diverse and would like to know how much marketing is being done toward different ethnic groups.

Calhoun County Visitor Bureau Board Chair John Byrd stated their marketing plan is ethnically diverse; they listen to everyone in the county to find out what they want. He stated they reach out as much and to as many as they could and he welcomed anyone who would like to bring ideas to them. He noted they can be found on Facebook and their meetings are held the second Tuesday of each month at noon at the Commerce Point Building in Battle Creek.

Comr. Camp Seifke thanked Freybler for the presentation and stated it was much more relevant than the presentation a couple years ago. She asked how people could network and get information to the Visitor Bureau. She asked if there was a deadline for getting information to them and what the criteria was.

Freybler stated she had an assistant who searches for information on events, people send information to them, they pick up information when they are out and there wasn't a deadline. She stated they can react quickly, as everything is done internally, and it was easy for them to add things to their website. A lot of the bigger events contact the Visitor Bureau for more direct support for advertising.

Comr. Kale asked what they were doing for the east side of the county, such as events in Homer and Albion.

Freybler stated those events were promoted on their website and Facebook page. She stated she has been working with the Albion Chamber to get meetings set up on activities.

B. Resolution Recognizing Calhoun County's Involvement in the Citizen Corps

Res. 19-2012

"Moved Comr. Frisbie, supported Comr. VanSickle to approve the following: Resolved the Calhoun County Board of Commissioners do hereby approve the resolution recognizing Calhoun County's involvement in the Citizen Corps."

Comr. Camp stated any anniversary denotes someone having a vision and the initiative to promote something to make it sustainable and to have it cover this much time and impact this many people was really super and she appreciate that.

Emergency Management Director Durk Dunham stated he was happy to be there. He stated the Michigan State Police asked if he would be the closing speaker at the Citizen Corps Conference last fall in Traverse City, it was a special request for him because this year he celebrates 20 years with the Office of the Sheriff, 16 of those as a volunteer. He stated one of the things he realized when he was speaking was the effect that the volunteers' family and friends felt. He thanked the Board for their support, Comr. Camp for her support through the years but mainly he wanted to thank the volunteers and recognize them as well as family and friends for giving up time with their loved ones.

Comr. Kale congratulated Dunham on being selected Vice Chair for Region 5 of the Michigan State Police Emergency Management and Homeland Security Division.

On a voice vote, Motion CARRIED.

WHEREAS, in January 2002, the President of the United States launched the Citizen Corps to capture the spirit of service that emerged throughout our communities following the 2001 terrorist attacks; and

WHEREAS, the Citizen Corps was created to help coordinate volunteer activities that will make our communities safer, stronger and better prepared to respond to any emergency situation; and

WHEREAS, the Citizen Corps provides opportunities for people to participate in a range of measures to make their families, their homes and their communities safer from the threats of crime, terrorism and disasters of all kinds; and

WHEREAS, the mission of the Citizen Corps is to harness the power of every individual through education, training and volunteer service to make communities safer, stronger and better prepared to respond to the threats of terrorism, crime, public health issues and disasters of all kinds; and

WHEREAS, the Citizen Corps is coordinated nationally by the Department of Homeland Security's Federal Emergency Management Agency. In this capacity, FEMA works closely with other federal entities, state and local governments, first responders and emergency managers, the volunteer community and the Corporation for National and Community Service; and

WHEREAS, Calhoun County began a Community Emergency Response Team (CERT) in 2005 to work in the local capacity of the Citizen Corps; and

WHEREAS, the Calhoun County Emergency Response Team has graduated 150 individuals from its Basic Training Course to assist in local emergencies or disasters; and

NOW, THEREFORE, BE IT RESOLVED, the Calhoun County Board of Commissioners hereby congratulates the Citizen Corps on its 10th Anniversary of Service to the communities of Calhoun County and the United States and thanks the volunteers helping to keep our community safe.

Members of the Community Emergency Response Team and Emergency Management accepted the resolution.

Community Emergency Response Team Director Lori Phillips stated the next CERT training will be on Monday evenings from 7pm – 9pm starting Monday, March 12, 2012. She stated everyone was welcome and Calhoun County was lucky to have as many volunteers as we had.

9. CONSENT AGENDA

- A. Petitions, Communications, Reports
- B. Resolutions

11. UNFINISHED AND OLD BUSINESS

There was none.

12. NEW BUSINESS AND COUNTY ADMINISTRATOR'S REPORT

- A. County Administrator/Controller's Report
- B. Calhoun County Agricultural and Industrial Society Reverter Subordination Agreement

Res. 20-2012

"Moved Comr. Frisbie, Supported by Comr. VanSickle to approve the following: The Calhoun County Board of Commissioners does hereby resolve : That, in order to facilitate Chemical Bank loaning the sum of \$600,000 (the "bridge loan") to the Calhoun County Agricultural & Industrial Society ("CCAIS"), the Consent to Mortgage and Subordination Agreement between Calhoun County, CCAIS, and Chemical Bank is hereby approved as presented and the Calhoun County Board Chair is authorized to sign said agreement on behalf of Calhoun County; and

It is further resolved that, once the sale of a portion of the property owned by the CCAIS takes place on or about February 21, 2012, and (subsequent to the bridge loan being paid off) a reduced sum of money is loaned by Chemical Bank and/or one or more other bank(s), that the Calhoun County Board Chair is authorized to sign any additional Mortgage and Subordination Agreement(s) which may be necessary for the Calhoun County Agricultural & Industrial Society to borrow those sums.

It is further resolved that the Board Chair is further authorized to sign any additional documents that may be necessary to allow the subordination of the County's reverter interest as set forth in paragraphs 1 and 2 of this Resolution. "

Administrator/Controller Scott explained the background on what was being asked of the Commissioners. She stated it's been a long couple years of reorganization for the Fair Board, officially called the Calhoun County Agricultural and Industrial Society (CCAIS), volunteers, attorneys and others trying to get the fair in a position to be financially stable, to take care of debt obligation and eventually ended up with a bank judgment against the Fair Board. She stated that not everything was wrapped up yet but this is a very important milestone in that all of that work has culminated in the bank consenting to a settlement allowing the Fair Board to keep the land and to allow the fair to continue going. She stated the County's only involvement in this was that the mortgage on the fair property contains a reverter clause that essentially said if the fair stopped operating or the Fair Board ceased to exist and the property went into default, then the county would own a portion of the land so we had a financial

interest in the mortgage. Scott stated that now Bank of America is asking for a settlement of \$600,000. She stated in order to get that much cash immediately they are asking for a bridge loan from Chemical Bank, a short term loan of \$600,000. She stated the bank wants collateral on the loan and they want to have primary interest on the land for that collateral and the County's reverter clause is in the way of that. She stated the county is consenting to set aside the reverter clause to allow the CCAIS to get the financing to settle their debts and continue to operate successfully. She stated they are attempting to raise a portion of the money through the sale of a portion of the land and any other fundraising they were able to do. She noted the timing was that the settlement was required by February 25, and so the Board needed to take action at this meeting. Scott stated there had been a lot of work by the Fair Board and a lot of them were in attendance. She noted Mary Ann Taylor had been acting as legal counsel and County Corporation Counsel Richard Lindsey had put in a lot of time and together they drafted resolution and should protect the county. She explained the risk being to the County being if the County sets aside the reverter and the Fair Board defaults we cannot get the property back, it will go to the bank. She stated there are provisions built in so if there are any missed payments the bank will notify the County can be proactive and prevent further judgments. She stated once the loan is paid off, the reverter comes back into effect. She stated the Battle Creek Community Foundation had played an integral role in advising the CCAIS.

Corporation Counsel Lindsey stated the resolution as presented anticipates that this agreement will be signed by the Board Chair that subordinates the interest relative to the \$600,000. He stated once the designated portion of property is sold on February 21, those funds will be pay down the \$600,000 loan so they will have less to finance. He stated there will be another subordination agreement at that point and this resolution authorizes the Board chair to sign that as well.

Administrator/Controller Scott stated there were really no alternatives at this point if we want the Calhoun County Agricultural and Industrial Society to meet their settlement terms with Bank of America and retain the fairgrounds. She stated this was the county being a good partner but the financial and business plans were in place to make the fair successful. She stated the county is needed, the bank was requiring this.

Comr. VanSickle stated when the matter of the reverter clause was first brought to his attention he had negative feelings but there was a positive management plan presented by the Calhoun County Agricultural and Industrial Society. He stated he found that the reverter was for a small amount of land, the county would not own the whole fairgrounds and we need someone to put on the fair. He stated the management plan to repay the debt impressed him and the fair had been a part of his family for generations. He urged the Board to vote yes.

Comr. Camp Seifke asked for clarification on what contract the notification clause would be in. She stated she appreciated the foresight of the Calhoun County Agricultural and Industrial Society (CCAIS), who historically put the reverter clause in, she was glad for that safeguard even though this has been a very difficult decision to go through with the community. She stated as word of this has gotten out people have asked her what she knew about the auction and there are mixed opinions in the community for taking the reverter off. She stated she had been approached by members of the CCAIS so she appreciated the opportunity she's had to ask very hard questions and to have answers explained because she has been a point of contact to answer those questions. She encouraged the current CCAIS board to communicate with members frequently and in-depth in the future. She believed the County Board could take the step of faith and they could work with the CCAIS in the future. She stated trust will

have to be rebuilt but she trusted they could do it. She clarified the phrasing that the county would be notified if there was a shortfall and a payment was missed, that was not obligating the county to pay anything toward the payment, it was more of an instrument of a safeguard of public information. She would reiterate much of what Administrator Scott said, this has taken many hands coming to the table, they went through many options until they found one that seems to be working. She stated she appreciated the auction seems to be well organized and thanked the CCAIS for coming together to solve the problem.

Lindsey stated the notification clause would be in the loan documents with Chemical Bank.

Comr. Haadsma stated his tendency was to be reluctant to subordinate any right in this case; however there has to be a balancing test in these types of cases. He stated in this case he would be voting yes for many of the same reasons outlined by Comr. VanSickle. He stated at this point the alternative would be the County would own the fair and the Marengo portion of the fair would be in the hands of Bank of America. He stated this was a manner of a leap of faith, but it's the only one that might be taken under these circumstances. He stated that in applying a balancing test, he would be voting in favor of this and in the balance this was the wisest way to proceed.

Comr. Frisbie stated he would be supporting this as well and he appreciated the meetings. He stated the Board was putting their faith in the Calhoun County Agricultural and Industrial Society because of the determination and will they demonstrated as a group in their resolve for saving the fair, making it better and moving it forward. He stated with their vision of a business plan and the support they have garnered in the community, it's outstanding. He stated they were a great group of people and they had their eye on the prize. He stated the CCAIS had their trust and they were putting their trust in the CCAIS as a count and wished them good luck.

Comr. Todd stated he would be supporting this for various reasons. He stated one of the main reasons was he saw his good friends from the Battle Creek Community Foundation were sought after, it spoke volumes to him. He stated he knew they would not enter into this type of collaboration if it did not make sense and they did not have faith in the Calhoun County Agricultural and Industrial Society. He stated those who fail to plan, plan to fail. He stated it was a leap of faith and the Board would do all they could as well.

On a roll call vote, Yes – 6, Excused – 1 (Dunn). Motion CARRIED.

13. CITIZEN'S TIME

Bruce Bosserd, President of the Calhoun County Agricultural and Industrial Society, thanked the Board for their support. He stated most of the Commissioners were at the celebrity lunch fundraiser celebration and he appreciated their support. He stated they had a good plan and there were a lot of good people behind them. He stated they had gotten a lot of help from various groups and thanked them.

Comr. Camp Seifke stated she realized this has been a weight on many of the people attending and thanked them for carrying the burden.

14. COMMISSIONERS TIME

Comr. Haadsma stated he, Comr. Kale and Administrator/Controller Scott attended the Calhoun County quarterly Substance Abuse Independence Treatment and Prevention meeting on February 8 in Kalamazoo. He stated this was the Kalamazoo Community Mental Health and Substance Abuse Services Agency, which was the coordinating agency for our substance abuse and treatment providers. He mentioned this because Psychological Consultants attended. He mentioned the Sobriety Court graduation and stated they were all worthy programs being described but he was especially taken by the Sobriety Court's advocacy in obtaining sobriety for three graduates over 1 ½ to 2 years. He also noted he had interviewed the Executive Director of the Haven and they were very interested in becoming a grantee of the limited number of dollars that we distribute through the coordinating agency, should they successfully purchase the Emily Andrus house. He stated it shows careful consideration must be given when deciding what was the most efficient delivery of limited tax dollars to the most effective use of our citizens.

Comr. Frisbie stated he also attended the Sobriety Court graduation and he noted the dedication of Judge Hallacy and his staff, they put a lot into that role. He stated if you want to see something truly effective, go watch the Sobriety Court and you will see impacts you don't normally see. He stated he is a big fan of the Sobriety Court, Judge Hallacy and his entire team.

Comr. Camp stated the Board had a Strategic Planning update and there was some discussion on the County parks so she wanted people to know it remained a top priority.

Comr. Kale stated in regards to Sobriety Court, he congratulated Scott, Rich and Jack on their graduation. He stated when watching the graduation, its obvious this is a mentally challenging and emotionally grueling process and they are to be congratulated on their integrity to get through it. He stated it was obvious by the stories they told and the follow up that it was pretty tough. Judge Hallacy does a great job and it was impressive.

Comr. Kale thanked Captain Saxton and Sheriff Byam for a tour of the old jail.

Comr. Kale gave a shout out to Sharon and Phil Hostetler for the Kids Cardiac Life Support Program they have been doing in Albion for over 15 years. He stated the program was for kids in kindergarten through 5th grade and teaches kids how to react in medical emergencies. He stated he had heard they have trained 15,000 kids in the last 15 to 20 years in the Albion area. He stated it was a great program, very age appropriate.

Comr. Kale stated he replaced former Comr. Behnke on the Firekeepers Local Revenue Sharing Board and on the morning of February 10, they received a check for about \$4.9 million, slightly more than last year. He stated that afternoon Senator Mike Nofs received a check on behalf of the State of Michigan for a little over \$12 million.

Comr. Kale stated the fair celebrity server lunch at Cornwells was very interesting.

Comr. Kale stated he appreciated Mr. Jenks for coming forward. He stated the whole Road Commission thing is and probably will get interesting over the summer. He stated House Bills 5125 and 5126 were

approved and have been sent to the Governor for signature. He stated the Board as a body supported 5125 and 5126 and as they move forward he expects that they will do a very effective, business like evaluation of what's going on. He believed it was about local control, accountability and responsibility. He stated they were not going to leave any stone unturned through this because they didn't want to burden the County with something that isn't going to make sense. He stated his expectation was that they would sense and they would ask for input from everyone so they can make an intelligent decision.

15. CLAIMS PAYABLE

Res. 21-2012

"Moved Comr. VanSickle, supported by Comr. Todd to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Claims Payable Listing for January 28 through February 9, 2012 in the amount of \$1,683,035.21."

On a roll call vote, Yes – 6, Excused -1 (Dunn). Motion CARRIED

16. ANNOUNCEMENTS

Corporation Counsel Lindsey thanked Mary Ann Taylor for her help with all of the fairground issues. He stated the files were on his desk when he started in 2009 and it was full of things that had been going on for years. He stated this was a historical part of Calhoun County and the Board stepped up at the right time and they did the right thing, as did the Calhoun County Agricultural and Industrial Society. He stated he was thankful as a citizen of Calhoun County that they have preserved the fair and wished them the best of luck moving forward.

Comr. Frisbie declared himself the winner of the pancake eating contest by default because Comr. Todd didn't attend.

Comr. Haadsma announced the Walk for Warmth kicks off February 25 at 10 a.m. in Battle Creek and in Albion. He encouraged people to come out and support Community Action.

Comr. Kale announced he would be taking part in the Albion United Methodist Church's "Men who Cook" with this famous rice pilaf on February 19 from 12:30 – 1:00.

17. ADJOURNMENT

The meeting was adjourned at 8:09 p.m. at the call of the Chair.

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Chairman

Clerk

