

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

May 4, 2006

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, May 4, 2006 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

Roll Call: Present: Comrs. Bolger, Miller, Moore, Segal, Solis, Strowbridge and Todd.

INVOCATION AND PLEDGE OF ALLEGIANCE:

A Moment of Personal Prayer was observed; followed by the Pledge of Allegiance, led by Comr. Segal.

APPROVAL OF AGENDA:

“Motion by Comr. Segal, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the May 4, 2006 agenda as presented.”

Voice Vote: Motion CARRIED

CITIZENS' TIME:

Ms. Pearl Gray-McWhorter, Battle Creek resident, advised that she has been hospitalized three times this year, and expressed her appreciation to the Burnham Brook Center for their assistance and to Oaklawn Hospital staff for helping her walk again.

Ms. Gray-McWhorter advised that on her second trip to the hospital she went to the emergency room and was advised that since she had no broken bones and no blood that they were going to send her home in an ambulance. Ms. Gray-McWhorter stated that she had vertigo, and that the hospital did not want to hear that. Ms. Gray-McWhorter pointed out that she is a senior citizen and that no senior citizen should be treated in that manner.

Mr. Gardy Berezonsky, Marengo Township resident, advised that he attended the recent Park Trustees meeting and discovered that the Road Commission will be receiving two percent of the gross sale of alcohol from the Renaissance Festival.

CONSENT AGENDA:

Res. 78-2006

“Motion by Comr. Bolger, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following May 4, 2006 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Notice of a public hearing scheduled for April 18, 2006 regarding granting an Industrial Facilities Exemption Certificate to Alro Steel Corporation received from Battle Creek City. (Received and placed on file, with a copy remitted to Equalization Director David Lee)
- (2) Notice of a public hearing scheduled for May 2, 2006 regarding granting an Industrial Facilities Exemption Certificate to Recycling Fluid Technologies received from Battle Creek City. (Received and placed on file, with a copy remitted to Equalization Director David Lee)
- (3) Resolution received from Hillsdale County urging the United States Congress to fund the Byrne Justice Assistance Grant law enforcement programs at the authorized level of \$1.1 Billion. (Referred to the Legislative Liaisons, with a copy remitted to Sheriff Allen Byam)
- (4) Resolution received from Van Buren County recommending the Michigan Legislature pursue 9-1-1 funding that is reliable and equitable across technology lines. (Referred to the Legislative Liaisons, with a copy remitted to Emergency Telephone District Board Chairman Allen Byam)
- (5) Resolutions received from Tuscola County {1} supporting restoration of state revenue sharing, and {2} supporting the Michigan Association of Counties’ arguments in an Amicus Curiae Brief filed in the 46th Circuit Trial Court vs. Crawford County et. al. (Referred to the Legislative Liaisons, with a copy of {2} remitted to Circuit Court Administrator Jeffrey Albaugh)
- (6) Notice of a public hearing scheduled for May 8, 2006 regarding granting an Industrial Facilities Exemption Certificate to Jorgensen Steel Machining & Fabrication, Inc. received from Tekonsha Village. (Received and placed on file, with a copy remitted to Equalization Director David Lee)

- (7) Proclamation received from Lenawee County designating May as Motorcycle Awareness Month. (Received and placed on file)

B. Resolutions:

- (1) Summit Pointe Board of Directors Appointments
(Terms Expire March 31, 2009)

- {a} John Bromley
- {b} Brenda Minter
- {c} Jeffrey Phillips
- {d} Carl Word

Voice Vote: Motion CARRIED

UNFINISHED AND OLD BUSINESS:

Amendment of Board Resolution 73-A-2006 -- Medical Care Facility Millage Re-authorization
Ballot Language

Chairman Miller stated that the ballot language requires amendment to state the proposal as a question.

Res. 79-2006

“Motion by Comr. Solis, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners amend EXHIBIT A of Resolution 73-A-2006 to state the ballot proposal in the form of a question.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Res. 79-A-2006

“Motion by Comr. Segal, supported by Comr. Moore, adopt the following, as amended: Resolved by the Calhoun County Board of Commissioners correct Resolution 73-A-2006, Paragraph No. 2, as follows:

“The County Clerk is directed to publish notice of the last day of registration and of the election as required by law and take all other necessary actions to conduct the **primary** election; and

BE IT FURTHER RESOLVED, that the Calhoun County Board of Commissioners revise EXHIBIT A of Resolution 73-A-2006 as follows:

**Tax Limitation Proposal - Operating Millage Renewal
(Calhoun County Medical Care Facility)**

Shall the previously approved millage authorization of Calhoun County for the benefit of the Calhoun County Medical Care Facility in the amount of two thousand four hundred eighty-two ten-thousandths (.2482) mills on each dollar (\$0.2482 per \$1000) of taxable valuation upon real and tangible personal property in the County of Calhoun, State of Michigan, which is about to expire, be renewed and continued for a period of five (5) years, from 2008 through 2012, both inclusive, for the purpose of providing funds to continue operation of the Calhoun County Medical Care Facility? If approved and levied, the requested millage would provide estimated revenues to the Calhoun County Medical Care Facility of approximately Seven Hundred Thousand Eight Hundred and 00/100 Dollars (\$700,800), when first levied in 2008.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

PETITIONS AND NEW BUSINESS:

County Administrator/Controller’s Report

FY 2006 Survey and Remonumentation Program County Representative Agreement
and Surveyor Agreements

Planning Consultant Jennifer Bomba presented the agreements for the 2006 Survey and Remonumentation Program, advising that the grant has been approved in the amount of \$223,000 which will allow for the monumentation of 245 corners this year. Ms. Bomba advised that the agreements are the same as utilized in the previous years.

Res. 80-2006

“Motion by Comr. Moore, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2006 Survey and Remonumentation Grant Program County Representative Agreement between Calhoun County and Carr & Associates Land Surveying; further, authorize the Board Chairman to execute said Agreement on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Res. 81-2006

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“Motion by Comr. Moore, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2006 Survey and Remonumentation Grant Program Surveyor Agreements {6} between Calhoun County and Kebs Inc.; Frederick J. Cutcher, P.S.; Crane Land Surveying, P.C.; David R. Lohr Land Surveying, Reynolds Heritage Land Surveying and Mapping, P.C. and Carr & Associates Land Surveying; further, authorize the Board Chairman to execute said Agreements on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

2006 Supplemental Retirement Plan Amendment

Assistant County Administrator Wendee Woods presented an amendment to the 2006 Supplemental Retirement Benefit approved on April 6 to extend the eligibility for health insurance participation through April 7, 2007. Ms. Woods advised that an employee is eligible to participate in the group health insurance plan if the employee’s employment was terminated as a result of retirement and at the time of termination the employee was covered by the plan, had attained age 50, had completed at least 10 years of service, and the sum of the employee’s age and years of service was at least 75, and provided the employee is not covered by a collective bargaining agreement which provides for any type of health insurance coverage as a result of retirement. Ms. Woods stated that employees meeting the eligibility terms by April 7, 2007 will pay 100 percent of the group rate cost of the retiree health insurance for themselves and their dependents.

Res. 82-2006

“Motion by Comr. Bolger, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners amend the 2006 Supplemental Retirement Benefit Plan to allow employees to consider health insurance participation upon retirement so long as they meet the requirements of County Policy No. 361, Section 1.A.1. - “Eligibility to Participate” by April 7, 2007 (ATTACHMENT A).”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

CITIZENS’ TIME:

Ms. Gray-McWhorter again addressed the abuse of a senior citizen, advising that she has lost 90 pounds and everything that she took with her to the hospital. Ms. Gray-McWhorter stated that when she was escorted out of the hospital on April 17 the doctor signed her out and attempted for three days to get her sign something stating that she was his patient, however, she refused. Ms. Gray-McWhorter requested the Board check into the matter to determine how a hospital can kick her out.

Mr. Berezonsky inquired whether Captain Matt Saxton has the authority to issue legal opinions for the county. Mr. Berezonsky advised that Capt. Saxton contacted the Marengo Township Supervisor regarding the

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Township's noise ordinance and provided his legal opinion that the ordinance does not pertain to the county. Mr. Berezonsky stated that he would like a legal opinion regarding why township ordinances do not apply to the county.

COMMISSIONERS' TIME:

Comr. Segal announced that this Saturday is the Annual Junior League Festival Day commencing at 10:00 a.m. until 3:00 p.m.

CLAIMS PAYABLE LISTINGS:

Res. 83-2006

“Motion by Comr. Segal, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve payment of the list of claims against the county in the total amount of \$442,465.94 for the week of April 11, 2006; further, approve payment of the list of claims against the county in the total amount of \$579,190.27 for the week of April 18, 2006; and finally, approve payment of the list of claims against the county in the total amount of \$756,514.46 for the week of April 25, 2006.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

ANNOUNCEMENTS:

Comr. Todd announced that this year's Future Leaders Award Program is May 17 from 5:30 p.m. to 7:00 p.m. at the Urban League in Battle Creek. Comr. Todd advised that he shall be honoring the top achievers in social studies and government. Comr. Todd stated that donations for the event can be made to the Battle Creek Community Foundation.

CLOSED SESSION:

Res. 84-2006

“Motion by Comr. Bolger, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners meet in Closed Session for the purpose of discussing pending litigation with legal counsel.”

Voice Vote: Motion CARRIED

The Board met in Closed Session commencing at 7:26 p.m. until 7:55 p.m. with Attorney Len Hickey of Hickey & Combs, Human Resource Coordinator Jennifer Bucienki, Assistant County Administrator Wendee Woods,

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County Administrator/Controller Greg Purcell, Corporation Counsel Nancy Mullett and Deputy Clerk Mary Lou Barrett present.

OPEN SESSION -- RECESS:

The Board reconvened in Open Session and recessed at 7:55 p.m. at the call of the Chair.

mlb