

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

October 2, 2008

The Annual Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, October 2, 2008 in the Commissioners Chambers, Calhoun County Building, 315 West Green Street, Marshall, Michigan.

Roll Call: Present: Comrs. Arnquist, Bolger, Moore, Rae, Segal, Solis and Todd.

INVOCATION AND PLEDGE OF ALLEGIANCE:

A Moment of Silent Prayer in memory of Max Phares was observed; followed by the Pledge of Allegiance, led by Comr. Bolger.

APPROVAL OF AGENDA/ADDENDUM:

“Motion by Comr. Moore, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the October 2, 2008 agenda and addendum as presented.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

“Motion by Comr. Solis, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the September 4, 2008 minutes as presented.”

Voice Vote: Motion CARRIED

CITIZENS' TIME:

Mr. Gordon Martin, Marshall resident, addressed an on-going problem he has been experiencing with the Road Commission, advising that the Road Commission cut a gutter across the face of his driveway, which is unacceptable and caused \$5,000 in water damage. Mr. Martin advised that he finally contacted his County Commissioner as the Road Commission will not communicate with him, is having an engineer conduct a study of the damage, and will be taking legal action against the Road Commission. Mr. Martin offered to present pictures of his damaged driveway and subsequent water damage.

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Chairwoman Segal requested Mr. Martin remain to discuss the issue with Commissioners after the meeting.

Mr. Gardy Berezonsky, Marengo Township resident, stated that he has a problem with Agenda Item No. 12.A. (3) - Marshall Township Property Renaissance Zone Designation as he believes some of the information is incorrect; further, pointed out that the City of Marshall has not taken action on the designation. Mr. Berezonsky stated that the information states that the state will reimburse local schools, community colleges, intermediate school districts and public libraries for any tax revenue lost due to the tax exemption. Mr. Berezonsky inquired where the state shall acquire that money. Mr. Berezonsky proposed the designation be postponed until the City and Marshall Township make their decision regarding the designation and until the exact numbers regarding the amount of taxes to be abated are provided prior to the Board taking action.

Mr. Dave Woods, Marshall resident, advised that he has attempted on numerous occasions to contact the Treasurer's Office regarding lease of a vacant building. Mr. Woods stated that he was advised that there is a option to lease and that someone from the Office would meet with him in May, however, no one met with him and no one from the Office will return his telephone calls; further, advised that he has been hung-up on. Mr. Woods advised that he contacted State Representative Nofs who contacted the Office and was advised something regarding the infrastructure. Mr. Woods stated that what he wants to know is why he cannot receive a reply from the Treasurer's Office.

Chairwoman Segal requested Mr. Woods remain to discuss the issue with Commissioners after the meeting.

SPECIAL ORDER OF BUSINESS:

Introduction of Human Resource Director Kim Archambault

Ms. Archambault advised that she commenced work yesterday and looks forward to working with everyone.

Chairwoman Segal advised that Ms. Archambault used to work in the Probation Department, and advised Ms. Archambault that the Board is excited to have her joining the management team.

Drain Commissioner's 2008 Annual Report

Drain Commissioner Blaine VanSickle presented the report advising that next year he shall be presenting the Water Resources Commissioner's Report. Mr. VanSickle reported that drain maintenance was conducted on 69 drains this year, and that the recent rain really showed which drains are working and which did not. Mr. VanSickle advised that the Office has four pending petitioned projects, however, that there may be three more received after the storm.

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Mr. VanSickle advised that the major storms of July 2 and September 12 through 15 inundated the Office with complaints of flooding. Mr. VanSickle stated that for the most part the county drains functioned adequately, and that the majority of the complaints were either Road Commission related or natural drainage systems unable to handle the tremendous amount of rainfall. Mr. VanSickle advised that he made site visits to numerous locations, and that petitions to establish county drains and petitions requesting maintenance to prevent high water problems in the future were provided to landowners. Mr. VanSickle further advised that property owners in the Minges Creek area sustained substantial flooding and discussion has taken place to establish this creek as a county drain.

Mr. VanSickle reported that a new county drain was established on the west side of Beadle Lake called the Onagon Drain.

Comr. Rae inquired regarding beaver issues this year. Mr. VanSickle reported that the Office is working on trapping beavers in four areas, the worst problem being at the Cotton Lake Dam.

2008 Drain and Lake Level Assessments

Interim County Administrator Don Gilmer recommended approval of the assessments as presented by the Drain Commissioner.

Res. 152-2008

“Motion by Comr. Rae, supported by Comr. Arnquist, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Drain and Lake Level Assessments to be Spread in 2008 (ATTACHMENT A), as presented by the Calhoun County Drain Commissioner.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Domestic Violence Awareness Month Proclamation

Comr. Arnquist read the following proclamation into the record, and Chairwoman Segal presented the proclamation to Chief Assistant Prosecuting Attorney Daniel Buscher.

Res. 153-2008

“Motion by Comr. Moore, supported by Comr. Bolger, resolved by the Calhoun County Board of Commissioners approve the following proclamation:

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WHEREAS, the month of October 2008 has been designated as Domestic Violence Awareness Month; and

WHEREAS, in the United States a woman is beaten every 15 seconds; and

WHEREAS, in 2007, Calhoun County Law Enforcement Agencies responded to 2,552 calls for service involving Domestic Violence; and

WHEREAS, in 2007, 816 felony and misdemeanor arrest warrants involving Domestic Violence were issued by the Calhoun County Prosecutor's Office.

NOW, THEREFORE, BE IT RESOLVED, by the Calhoun County Board of Commissioners that October 2008 is recognized as Domestic Violence Awareness Month in Calhoun County. The Calhoun County Board of Commissioners thank and recognize those Victims of Domestic Violence, the staff and volunteers at S.A.F.E. Place Domestic Violence Shelter, members of the Calhoun County Domestic Violence Coordinating Council, the Calhoun County Prosecutor's Office, Law Enforcement and Service Agencies, who, through their cooperative effort in coordinating the events of Domestic Violence Awareness Month have helped to bring attention to the issues surrounding Domestic Violence, to educate our communities regarding Domestic Violence and to prevent the occurrence of Domestic Violence."

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Comr. Moore advised that this evening men met at the Sojourner Truth Monument and walked a mile in women's high-heeled shoes. Comr. Moore stated that he has been witness to domestic violence and has no tolerance for it as he believes real men don't hit women.

Chairwoman Segal stated that the community is very fortunate to have the Safe Place.

Atty. Buscher stated that he is very happy to accept the proclamation on behalf of all of the victims and those that support those victims. Atty. Buscher advised that this is the 25th year for Safe Place. Atty. Buscher offered his appreciation to the 140 men and 25 women that participated in the Walk A Mile In Her Shoes March.

CONSENT AGENDA:

Res. 154-2008

"Motion by Comr. Solis, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following October 2, 2008 Consent

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Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Resolution received from Tuscola County supporting House Bill No. 5398 {Michigan Vehicle Code Amendment}. (Referred to the Legislative Liaisons, with a copy remitted to Sheriff Allen Byam)
- (2) Notice of a public hearing scheduled for October 7, 2008 regarding granting an Industrial Facilities Exemption Certificate to C.A. Picard Production Technology, Inc. received from Battle Creek City. (Received and placed on file, with a copy remitted to Equalization Director David Jager)
- (3) Resolution received from Bay County opposing House Bill No. 4454-4455 and Senate Bill No. 607-608 {Right to Work Legislation}. (Referred to the Legislative Liaisons)
- (4) Copy of communications remitted to Mr. Larry Metzgar, Ceresco resident, received from the Michigan Department of Agriculture advising that MAEAP Farmstead System and Cropping System requirements have been attained. (Received and placed on file, with copies remitted to Health Officer James Rutherford and Drain Commissioner Blaine VanSickle)”

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

County Administrator Search Committee

Committee Chairman Rae reported that the Committee met September 27 in the Law Library and reviewed responses received from the request for qualifications that was remitted to six consulting firms. The Committee discussed whether or not to hire a consultant and agreed to hire the firm of Charles Blockett and Associates of Lansing and directed Mr. Wilcox to contact the Firm, which he has done. Comr. Rae advised that the Committee will discuss what services are wanted and shall report back.

Battle Creek Area Transportation Study Policy Committee

Committee Member Todd advised that he has a copy of the Battle Creek Area Transportation Study’s planned work activities for 2009 available for review.

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

FY 2008-2009 Child Care Fund Annual Plan and Budget

Res. 155-2008

“Motion by Comr. Rae, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the 2008-2009 Child Care Fund Annual Plan and Budget as presented and authorize the Board Chairwoman to execute the Plan documents on behalf of Calhoun County; and further, authorize the County Administrator/Controller to make any necessary budget adjustments once all the documents are approved and executed by the Department of Human Services.”

Family Court Administrator Michael Boltz requested approval of the Court's annual Child Care Fund Plan and Budget to qualify for fifty percent matching funds. Mr. Boltz advised that capital outlay expenditures in excess of \$500 are not eligible for the fifty percent match.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

FY 2007 Homeland Security Grant Program Intergovernmental Funding Agreement

Res. 156-2008

“Motion by Comr. Moore, supported by Comr. Arnquist, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2007 Homeland Security Grant Program Intergovernmental Funding Agreement between the County of Van Buren and the County of Calhoun; further, authorize the Board Chairman to execute said Agreement on behalf of Calhoun County.”

Sheriff Allen Byam advised that the Agreement allows the Fifth District fiduciary to legally distribute and receive funding for its members, of which the Department is one. Sheriff Byam advised that the \$1,750 to be received shall be used to purchase radios and communication equipment.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Marshall Township Property Renaissance Zone Designation

Mr. Gilmer stated that the county has an opportunity to support an economic development project in Marshall by creating a renaissance zone and abatement of taxes for 15 years. Mr. Gilmer advised that the designation has the potential for a substantial investment in Calhoun County, and recommended approval of the designation.

Marshall City Economic Development Director Michael Hindenach advised that the City of Marshall has to make the application, which requires the county's support.

Res. 157-2008

“Motion by Comr. Rae, supported by Comr. Bolger, resolved by the Calhoun County Board of Commissioners adopt the following:

WHEREAS, the City of Marshall desires to expand economic activity, and increase the number of jobs and income available to residents of the area; and

WHEREAS, certain areas within Calhoun County have suffered from depressed economic activity for some time, including low incomes, lack of employment opportunities, and depressed business expansion; and

WHEREAS, the designation of selected areas as a Renaissance Zone will help attract new business, increase economic development, and expand business and employment opportunities throughout Calhoun County for years to come; and

WHEREAS, the County, local citizens, and local businesses are committed to improving the areas, should a Renaissance Zone be designated; and

WHEREAS, the commitment extends to making new investments and marketing of the area to other investors; and

WHEREAS, should the area be designated a Renaissance Zone, persons and property within that Zone will be exempt from taxes levied by the township, village, county, and other units of government as provided under the Renaissance Zone Act, which will provide a stimulus to develop the area; and

WHEREAS, the state government, under the Act, will reimburse local schools, community colleges, intermediate school districts, and public libraries for any revenue lost due to the exemption provided by the Act; and

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WHEREAS, we estimate that tax revenue lost, which is estimated on the attached schedules (ATTACHMENT B), would be a small fraction of the benefits the designation of a Renaissance Zone will bring the community.

NOW, THEREFORE, BE IT RESOLVED, that Calhoun County supports the City of Marshall in their economic endeavors and agrees that the land described by the legal description (ATTACHMENT C) shall be included in the Renaissance Zone with various state, local and county taxes being waived for the new investment on the property for a period of 15 years beginning January 1, 2009 through December 31, 2023.”

Comr. Rae stated that the creation of a renaissance zone is a key component to getting businesses to come into the area. Comr. Rae acknowledged the loss of tax revenue, however, addressed the loss of businesses within the proposed designation area. Comr. Rae advised that he supports the designation.

Comr. Bolger concurred with Commissioner Rae, and stated that the Board is committed to economic development within the community proposed.

Chairwoman Segal thanked Mr. Hindenach for his work on this project. Mr. Hindenach advised that he receives support from Battle Creek Unlimited in Battle Creek.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

E 9-1-1 Surcharge Distribution Resolution

Mr. Gilmer advised that on February 7 the Board adopted the E 9-1-1 surcharge, however, that the resolution did not clarify distribution of the surcharge.

Res. 158-2008

“Motion by Comr. Bolger, supported by Comr. Solis, resolved by the Calhoun County Board of Commissioners adopt the following:

WHEREAS, on February 7, 2008, the Calhoun County Board of Commissioners adopted the county based 9-1-1 surcharge of \$.60 to be placed on all communication devices as permitted under P.A.164 of 2007; and

WHEREAS, on June 3, 2008, the MPSC granted Calhoun County's request for rehearing and approved the requested \$.60 surcharge; and

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WHEREAS, the \$.60 surcharge is scheduled to be distributed to the PSAP's beginning in October 2008; and

WHEREAS, the County Board of Commissioners needs to act to approve the formula for distribution of the \$.60 surcharge.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners hereby approve the distribution of the \$.60 surcharge as follows:

An amount equal to the 2007 collection remittance plus 2.7% shall be distributed to the PSAP's on a quarterly basis until the consolidated dispatch center is operational. The remainder of collected surcharge shall be used for the planning, development and implementation of the Calhoun County Consolidated Dispatch Center as allowed by law. At the point the consolidated dispatch center is operational the full surcharge collection (without any county withholding) will be remitted to the 911 Consolidated Dispatch Governing Body.”

Comr. Bolger advised that the Emergency Telephone District Board met Tuesday at 2:00 p.m. and made a recommendation regarding the Plan and discussed the distribution of the surcharge monies. The P.S.A.P.s were present. Comr. Bolger continued that at 3:00 p.m. the Consolidated Dispatch Center Authority Governing Board met and discussed distribution of surcharge monies also. Comr. Bolger stated that until the dispatch center is operational the county will pass the money through to the P.S.A.P.s, then 100 percent of the surcharge revenue will go to the new center.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Electronic Monitoring Program Budget Amendment and Additional Position

Sheriff Byam stated that it has been a long route to arrive at this point. Sheriff Byam advised that the budget amendment shall pay the costs of the equipment and a part time position to implement and maintain the program.

Res. 159-2008

“Motion by Comr. Rae, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve a FY 2008 budget amendment to the Sheriff Department budget in the amount of \$18,313 to fund an electronic monitoring program; further, waive the 2008 hiring freeze and create a new part-time Jail Diversion Coordinator position with a salary of \$16,890 to staff the program.”

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Comr. Rae stated that the program shall make money for the county and provide better use of the Jail. Comr. Rae advised that the budget is based on costs and predicated upon freeing up ten jail beds per day. Comr. Rae further advised that there shall be a target population for the program and that those in the program shall have to pay to participate.

Comr. Bolger inquired whether only low-risk offenders shall be eligible to participate in the program, voicing concern regarding the risk to the community. Sheriff Byam responded that there shall be some slightly higher risk offenders who may be eligible for the program. Sheriff Byam stated that the Department will have to ensure sanctions are in place and that the equipment is working properly. Sheriff Byam continued that although there may be an increased risk, allowing offenders to work and maintain family ties is the goal, and additional bed space to rent is important.

Comr. Todd thanked Commissioner Rae for diligently pursuing the program, and advised that he shall support the budget amendment.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

CITIZENS' TIME:

Mr. Creighton Burrows, Marshall resident, questioned whether the Sheriff intends to request another budget amendment to move his principal office back to the county seat.

Mr. Berezonsky noted payment to Hammers Towing Company on Page 10 of the claims listing and inquired whether a Sheriff Department vehicle broke down; further, questioned whether Buds Towing and Automotive has a contract to pick up abandoned vehicles. Mr. Berezonsky stated that abandoned vehicles could be taken out to the Road Commission or sold.

Mr. Berezonsky read the definition of a public body provided within the Open Meetings Act, advising that he has seen no notices posted/published advising of any committee meetings. Mr. Berezonsky again cautioned the Commission regarding violation of the Open Meetings Act.

COMMISSIONERS' TIME:

Comr. Todd offered his condolences to the family of Max Phares.

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CLAIMS PAYABLE LISTING:

Res. 160-2008

“Motion by Comr. Solis, 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 \$2,213,075.04 for the week of September 23, 2008.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

ANNOUNCEMENTS:

Comr. Arnquist announced that on Saturday, October 25 from 11:00 a.m. to 5:00 p.m. the Kingman Museum is having a Spooky Science Day, which is free. Comr. Arnquist advised that the Museum has been renovating their planetarium and encouraged everyone to come to the event.

Chairwoman Segal advised that Harriet Henderson recently celebrated her 92nd birthday, and wished Ms. Henderson a Happy Birthday.

Chairwoman Segal announced that Saturday morning in Battle Creek is the Annual River Clean-up which commences at 8:30 a.m. at Bailey Park; further that Saturday is also the First Annual Lupus Walk, and a Diabetes Walk at the zoo.

Comr. Todd announced that tomorrow is Battle Creek Central High School’s Homecoming and the school is celebrating its centennial with a parade at 6:00 p.m. Comr. Todd advised that a number of previous Homecoming queens will be in the parade. Comr. Todd thanked Mr. Bruce Barney and the homecoming committee for their work.

ADJOURNMENT:

The meeting adjourned at 8:02 p.m. at the call of the Chair.

mlb