

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE MEETING
February 24, 2009**

The regular meeting of the Cheboygan County Board of Commissioner was called to order in the Commissioners Room by Chairperson Linda Socha at 9:30a.m.

Roll called and a quorum present. Civil Counsel was not present.

PRESENT: Commissioner Socha, Redmond, Mushlock, Page, Wallace and Bolinger

ABSENT: Commissioner Makima (excused)

Commissioner Bolinger gave the invocation and Commissioner Wallace led the Pledge of Allegiance.

Motion by Commissioner Bolinger, seconded by Commissioner Mushlock, to approve the agenda. Motion carried with 6 yes, 0 no and 1 absent

CITIZENS COMMENTS- None

Chairperson Socha explained that the Committee of the Whole Meetings typically do not have action items on the agenda, but are intended for forum and discussion items.

SCHEDULED VISITORS/DEPARTMENT REPORTS-

Lt. Ken Mills presented a plaque of appreciation to Brenda Chimner for working with the SANE Program. Commissioner Socha thanked Ms. Chimner for her services.

NEW BUSINESS – None

BOARD MATTERS FOR DISCUSSION-

Mullett Township Supervisor, Bill Morgan & Trustee, Dennis Dombroski made a request for the conveyance of a park on Boy Scout Road. Mr. Morgan stated that they have learned through the last grant process that the township first needs to own the property in order to apply for grants. The township currently leases a portion of the parcel from the county for the park, and has approximately 20 years left on the lease. It includes frontage on Mullett Lake with a dock for access and a nearby DNR boat launch, a pavilion was added to the property by the township approximately five years ago. Family reunions and other gatherings take place during the summer. Also, the county has owned the property since the 1940s, when it was obtained from the Department of Natural Resources. Mullett Township is requesting that the county consider the transfer of ownership of a parcel of property on Boy Scout Road to the township for further development to a park on the land with a reversionary clause that if in the future the township chooses not to use it as a park or not let it be used by the general public, then it will revert back to Cheboygan County. Mr. Morgan stated that the first thing that needs to be done is to replace the existing pit toilets with restrooms and upgrade parking to handle the increased use. Also, if repaired, a quonset hut on the property could serve as a mess hall. He also stated that there are monies out there to create hiking and biking trails. Mr. Dombroski stated that there has been a major interest in Boy Scouting and this is also a nice community park for hiking and biking. Lengthy discussion held regarding the county's recreational plan. Commissioner Socha read an opinion from Civil Counsel, Bryan Graham as follows: "In *Hass v City of Kalamazoo*, 316 Mich 443, 453-454 (1947), the Michigan Supreme Court defined the objective of public purpose in the following terms: Generally a public purpose has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within the municipal corporation, the sovereign powers of which are used to promote

such public purpose.... The right of the public to receive and enjoy the benefit of the use determines whether the use is public or private. Although the county cannot lawfully give away county owned land, there may be a mechanism to convey at least a portion of the county land to Mullett Township – if the purpose of the conveyance would be to develop a park open to the general public throughout the county. The county could enter into a written agreement with the township that in exchange for the conveyance of that portion of the land to be used as a park, the township agrees to utilize the property as a park open to the general public. The conveyance from the county to the township can be with a revert clause that provides if the land ceases to be used as a public park that title to the property reverts back to the county.” Commissioner Socha directed the Administrator, Civil Counsel, and Mullett Township to work together and come up with a proposal for the next action meeting.

Road Commission Manager, Luke Houlton was present to try and clean up the title on a parcel that was referred to as the Chapman Pit Property. This parcel, which is located in the northeast corner of section six of Munro Township, is a parcel that they have used as a gravel pit for many years and assumed that they had clear ownership. He stated that they were approached about a year ago to lease the property for a transient asphalt plant and a possible mitigation site. In exploring the lease option, they first realized that there might be a cloud on the title. A deed from the State of Michigan to the Cheboygan County Road Commission in the 1940s was produced. In 1933, there was a recorded deed from the Chapman's to the County of Cheboygan with consideration of \$300. He went through the Road Commission Minutes with no success. Then yesterday morning, he reviewed the old Board of Supervisors Minutes and again came up with nothing, except, with a possible intent of what happened. Historically this is what happened in about the 1930s and he didn't know when this changed, but possibly when Act 151 came through. The Board of Supervisors had a Road and Bridge Committee that worked with the Road Commission. At that time, they provided an annual report to the Board of Supervisors each October. Every year, they listed all of the townships, a brief description of the work, the primary roads, and the last thing that they did was list all of the gravel pits of the Road Commission. The Board of Supervisor Minutes of 1933 recorded in Liber 11, Page 93 lists five gravel pits with Chapman's Gravel Pit not included. However, the Minutes of 1934 recorded in Liber 11, Page 233 listed the Chapman Gravel Pit. Based on this, he was sure that the intent of the gravel pit was for use of the Road Commission. He stated that it might be coincidental that it had listed the same dollar amount that was found in the June 1933 Board of Supervisor Minutes. This \$300 amount might possibly have been the purchase price of the property. Then he went back through the Road Commission Minutes between June 1933 and December 1933, and took a closer look. In October of 1933, the Road Commission Minutes reflects a motion to purchase this property from W. E. Chapman. It wasn't distinguished between Cheboygan County and the Cheboygan County Road Commission. He is asking that based on this information that the County Board of Commissioner's Quit Claim this property to the Cheboygan County Road Commission. Commissioner Socha stated that there was no opinion given by Civil Counsel, Bryan Graham due to the lack of information. Lengthy discussion held. After review of the deeds and information by Civil Counsel this item is to be moved to the next action meeting.

Community Development Director Steve Schnell clarified Zoning Ordinance Amendment #78 – Private Kennel Regulations. He stated that this zoning ordinance amendment proposes to add definitions of private kennels and commercial kennels and add requirements for private kennels. These amendments streamline the review process for people who own 4-9 dogs and do not operate a commercial kennel. The amendments add requirements for those dog owners, but the zoning administrator is to review and approve those applications rather than requiring a special use permit to be reviewed by Planning Commission. There will be a cost and time savings for the customer while protecting land use compatibility. This amendment streamlines the process of reviewing private kennels. Currently anyone who wants to own 4 to 9 dogs over 4 months of age is considered a kennel and must receive a special use permit by the Planning Commission in the same manner as a commercial kennel where 4 or more dogs are boarded for a fee. The old definition of kennel is deleted and the new definitions for private kennel and commercial kennel are added. The primary distinction between the two definitions is simply that dogs are NOT

boarded, bred, groomed for compensation, trained for compensation, or sold. A new section is added to the zoning ordinance, Section 3.17 that gives the requirements for private kennels, which have the purpose of controlling the potential negative impact on neighboring parcels of having more than 4 dogs housed on one property. He simply refers to the 10 requirements. Commissioner Socha stated that this item is to be moved to the next action meeting.

CITIZENS COMMENTS – None

BOARD MEMBER COMMENTS

Commissioner Mushlock asked to be excused from the next meeting in March.

Commissioner Bolinger asked the Board of Commissioners to review the Michigan Department of Corrections Newspaper where the State is making changes and there are pending implications for the County budget. He stated that he attended a NEMCOG Meeting and the stimulus monies will not reach down to township level.

Commissioner Page stated that he was in contact with a Representative who sponsored Public Act 240, which is the ATV Ordinance and the only issue that the committee is looking at is modifying the definition of roadway. He indicated that they are not interested in reopening the whole question of the ATV Ordinance. He stated that there is a Broadband Cooperative Meeting in Gaylord today and there was some indication that they might become a model for bringing broadband to rural areas under the federal stimulus program. Tonight, there is an Economic Development Meeting being held at the Cheboygan Public Library. Commissioner Socha commented on the idea of Cheboygan County looking at some type of community college courses program. Commissioner Bolinger commented on the importance of have a GED, because in the news, factory workers are losing their jobs and having a hard time finding a job without having their GED. Discussion held.

Motion by Commissioner Wallace, seconded by Commissioner Redmond, to adjourn to the call of the Chair. Meeting adjourned at 11:08 a.m.

Karen L. Brewster
Chief Deputy Clerk Register

Linda Socha
Chairperson