

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE MEETING
April 24, 2007**

The meeting was called to order in the Commissioners Room by Chairperson Linda Socha at 9:30 a.m.

Roll called and a quorum present.

PRESENT: Commissioners Socha, Makima, Redmond, Mushlock, Page, Wallace and Bolinger

ABSENT: None

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

Commissioner Page requested a close session be held prior to adjournment today to consider Civil Counsel's legal opinion regarding recycling dated November 2, 2006.

Motion by Commissioner Redmond, seconded by Commissioner Bolinger, to approve the agenda as amended. Motion carried with 7 yes, 0 no and 0 absent.

Chairperson Socha explained that Committee of the Whole meetings typically do not have action items on the agenda, but are intended for forum and discussion items and as an appeal to the Board at budget time if there is disagreement with the administrator's or finance's decision or recommendation,; however, today's agenda does include two items which requires action.

CITIZENS COMMENTS – Beaugrand Township Resident Bob Pritchard commented on the lack of a good public address system in the Commissioners Room as well as posting of the meeting agenda.

SCHEDULED VISITORS/DEPARTMENT REPORTS

A certificate of appreciation was presented to Planning/Zoning Administrator Brian Duvall for 5 ½ years of dedicated service. Mr. Duvall has accepted a position in Wisconsin and will be leaving the end of April.

Friend of the Court Don Duczkowski, who will be retiring the end of April, introduced his replacement, Kevin Weller. Mr. Weller holds a bachelor degree in psychology, a masters in social work, as well as a law degree. Mr. Weller said he is happy to have gotten this position.

A certificate of appreciation was presented to Friend of the Court Don Duczkowski for 32 years of dedicated service. Mr. Duczkowski said he enjoyed all the support he has given him over the years.

Sheriff Clarmont used a PowerPoint presentation to present the annual Sheriff Department report. He said actual expenditures in 2006 totaled \$2,615,086, compared to \$2,718,434 budgeted expenditures, and total revenue generated was \$489,884. He reviewed the Jail Division revenues which totaled \$233,109; and total grant monies received of \$363,708, noting that some of the grants received last year may not be available this year. Jail Statistics show out-county inmate days down, while in-county inmate days were higher than 2005. He reported Community Corrections Service Programs resulted in an annual savings of \$180,554 in 2006, and for the fourth consecutive year the jail received a 100% Compliance Rating from the Michigan Department of Corrections. He noted that minimum staffing on holidays, cross-training for overtime reduction, and the jail medical program all continue to result in cost savings. Road Patrol Statistics showed an in of 6% in the number of logged calls. Chair Socha thanked the Sheriff for consistent, solid management.

Ken Talsma of Anderson, Tackman & Company presented a report on the County Audit for Fiscal Year ending December 31, 2006. The financial statements were presented in "draft" form as the information for the Cheboygan County Road Commission has not been finalized. The net assets at the government-wide level, including both governmental and business-type activities are approximately \$24 million, an increase of \$1.9 million from 2005. At the fund financial statement level, the General Fund

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total fund balance increased approximately \$309,000 to \$2.2 million, of which all but approximately \$270,000 is unrestricted and undesignated. This amount represents 21% of total General Fund expenditures and transfers for 2005. There were no budget violations or deficit fund balances noted. A management letter comment was received which covered three issues. Those included the Summer Tax Levy (Prior Year), Personal Property Taxes, and Form I-9. Mr. Talsma said the county is in good financial health at this time. Regarding the issues raised in the management letter, Finance Director Kari Kortz said the first issue, relating to the Summer Tax Levy, was also reported in last year's management letter. Cheboygan County will implement this recommendation for the year ending December 31, 2007 as the amount receivable will most likely be material to the financial statements taken as a whole; the amount which could have been recorded for 2005 and 2006 was not considered material and therefore not recorded. We do not consider the second issue relating to delinquent property taxes to be a material finding. Although the County's portion of delinquent personal property taxes for all years is estimated to be approximately \$40,000, the revenue recognition policy would require the County to record an allowance for all taxes not expected to be collected during the first 60 days of the following year, which in most years would be equal to the amount delinquent resulting in no net change to the County's balance sheet. Furthermore, the County has no control over the collection of delinquent personal property taxes as this occurs at the township level. The final issue relating to Form I-9 has already been resolved. Ms. Kortz advised a motion to approve the December 31, 2006 audited financial statements as presented will be requested at the May 8, 2007 meeting, if the Cheboygan County Road Commission Report has been approved by their Board.

NEW BUSINESS

Equalization Director Joe Lavender presented the 2007 Equalization Report for approval, as well as a PowerPoint presentation, noting that residential property continues to be the largest portion of the total value and that agricultural and industrial properties have declined over the last twenty years. The 2007 Equalization Report shows a County Equalized Value of Real Property of \$2,079,213,948, a County Equalized Value of Personal Property of \$45,865,680, for a total County Equalized Value of \$2,125,079,628, which is a 4.82% increase compared to 2006 values.

Motion by Commissioner Makima, supported by Commissioner Bolinger, to adopt the 2007 Cheboygan County Equalization Report as submitted reflecting a County Equalized Value of Real Property of \$2,079,213,948 and Personal Property of \$45,865,680 for a total 2007 County Equalized Value of \$2,125,079,628 (Copy of the 2007 County Equalization Report on file in the office of the Cheboygan County Clerk/Register). A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Administrator Overton said that in March the Board approved the new position of County Development Director, however, it is necessary to bring someone on to perform the day to day planning and zoning functions while the search continues to fill the new position. Mr. Overton said Bob Meden has agreed to come back on a part time basis for a few weeks at a rate of \$27.00 per hour to keep the operation running smoothly.

Motion by Commissioner Wallace, seconded by Commissioner Bolinger, to authorize the hiring of Bob Meden to perform the planning and zoning functions for Cheboygan County at an hourly rate of \$27.00 per hour. Motion carried with 7 yes, 0 no and 0 absent.

BOARD MATTERS FOR DISCUSSION

Planning/Zoning Administrator Brian Duvall presented proposed zoning ordinance amendment title shared waterfront for discussion. He said hopefully this would be the last amendment before the new ordinance is printed. The amendment would modify the Common Use Waterfront section of the Ordinance with a section on Shared Waterfronts. The Shared Waterfront section would address standards for parcels in the Lake & Stream zone that are occupied by more than one dwelling unit, either with the dwellings on the waterfront parcels themselves or by use of an easement across the waterfront parcels. The amendment would include such standards as minimum parcel size, minimum size of the easement, setbacks, and docks. Discussion was held. Chairperson Socha questioned how section 10.4.4.8 could be enforced. Civil Counsel Bryan Graham said neighbors could easily testify in court to violation of that section. Chairperson Socha expressed appreciation to Mr. Duvall for all the

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work he has put into many projects during his employment with the county. The amendment will be presented for action at the May 8, 2007 Finance/Business Meeting of the Board of Commissioners.

Recycling Committee Chair Robert Heilman addressed the board to present the recommendation and findings of that committee. He thanked the members of the committee that participated in this effort. Mr. Heilman said that in 1999 the Cheboygan County Solid Waste Plan was adopted countywide by all county municipalities and approved by the MDEQ. The plan requires the development of a countywide recycling program. In 2001 a recycling committee was put together by the Cheboygan County Board of Commissioner to study and recommend direction on recycling in the county. PA 138 was the recommended funding plan in 2002, with a \$12-\$15 annual household assessment, today, the committee still recommends PA 138 with a \$24 annual fee per household. The budget for the first year based on the worst scenario is estimated to be approximately \$373,300, with an estimate of \$397,992 being generated from the \$24 fee, projected numbers for years 2 and 3 were also presented. Discussion on percentage of county residents who would recycle. Elisa Seltzer, Director of Emmet County Department of Public Works, said Emmet County has over 85% participation. She said participation would continue to grow rapidly for the first 5 years of the program. Ann Baughman, Burt Township resident and member of the recycling committee, said one of the plans would be to join with Emmet County, which already has a successful model program. Ms. Baughman spoke about current recycling programs in Presque Isle and Charlevoix counties. She reported the education subcommittee that was formed included public representatives along with recycling committee members. She distributed sample flyers developed that could be used to sell the program if the County decides to move forward. Ms. Baughman also reviewed the goals and objectives developed by the education subcommittee. Discussion held on including commercial recycling. Mr. Heilman said the program would have to be up and running before adding businesses. Ms. Seltzer said Emmet has added businesses. Mr. Heilman said the committee expects this Board to provide an answer on pursuing this and realizes it would be either yes or no. Chairperson Socha said it is important that if this board goes forward that all the townships agree with moving forward. She said she understands the committee would be disbanded at that time, but that members of the group would be willing to work on the education portion of the program. Discussed estimated cost of a special election, flow control, and a referendum. Ms. Seltzer said a referendum does not always have to be conducted. County Treasurer Cronan asked how the collection of the fee would be enforced, as she believes the fee could not be foreclosed on. Civil Counsel Bryan Graham said he believes you can foreclose on that fee as well as the delinquent tax. Ms. Seltzer explained Charlevoix County's agreement with Emmet County and explained it would be possible to return excess funding to that county. Diane Rekowski, Recycling Committee Member, recommended touring the Emmet County site. Cynthia Kress, also a committee member, spoke as a citizen and said this would be a good opportunity for the commissioners to act in the public good as cited in the invocation given by Commissioner Bolinger at the beginning of this meeting. As a substitute teacher she has been asked numerous times by the students why this county does not have a recycling program. Anabel Dwyer of Mackinaw City encouraged the board to move ahead on this program right away. Mary Schellenberg, Munro Township resident, stated she strongly supports this program and feels it's very important. She also commended the committee for the work they have put into this. Kathy Bricker of Inverness Township, served on committee, and was impressed with Mr. Heilman's dedication to the committee and said it would be a nice problem to have business interest in the program. Ann Chastain, committee member, said it's great to have the renewed efforts and interest in recycling in this county, and many hours have been spent on the project. She encouraged the board to step forward now and not wait to put this to a vote of the public. Chairperson Socha asked what other information the board would like for the next meeting. Commissioner Wallace said he would like to see how businesses are going to be handled and how it would be phased in. Chairperson Socha, on behalf of the board, thanked the committee; and said she would work with the administrator to assure a vote on this on May 8th.

CITIZENS COMMENTS – None

BOARD MEMBER COMMENTS

Commissioner Wallace reminded everyone that May 3rd is the National Day of prayer and a service is planned at the County Building at 12:15 p.m. that day.

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Motion by Commissioner Page, seconded by Commissioner Redmond, to go into closed session pursuant to Section 8(h) of the Open Meetings Act, being MCLA 15.268(h), to consider the written memo from our attorney dated November 2, 2006, which is exempt from disclosure by Section 13(1)(h) of the Michigan Freedom of Information Act, being MCLA 15.243(1)(h), since this memo is subject to the attorney-client privilege. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Entered closed session at 12:40 p.m.; returned to open session at 12:55 p.m.

Motion by Commissioner Wallace, seconded by Commissioner Redmond, to adjourn. Meeting adjourned at 12:56 p.m.

Mary Ellen Tryban
Cheboygan County Clerk/Register

Linda Socha
Chairperson