

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS**  
**FINANCE/BUSINESS MEETING**  
**June 14, 2011**

The regular meeting of the Cheboygan County Board of Commissioners 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 Linda Socha, Don Horrocks, Pete Redmond, Cal Gouine, Tony Matelski, John Wallace, and Sue Allor

**Absent:** None

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

County Clerk Mary Ellen Tryban presented the minutes of the May 18, 2011 Joint 9-1-1 Meeting to be added to the consent agenda under Item 5E1 for approval; and also pointed out the omission of a motion in the draft copy of the minutes from the Committee of the Whole Meeting of May 24, 2011. She said the official copy of these minutes have been corrected to include the omitted motion just prior to the motion to adjourn.

**Motion** by Commissioner Redmond, seconded by Commissioner Wallace, to approve the regular agenda as presented. Motion carried with 7 yes, 0 no and 0 absent.

**Motion** by Commissioner Redmond, seconded by Commissioner Gouine, to approve the amended consent agenda as follows:

- A. Approve Monthly Finance Claims – Finance = \$32,147.84; Prepays = \$867,161.83
- B. Budget Adjustments – Raise Revenues and Expenditures totaling \$18,333.48 in following Funds: Fund 101 total budget increase of \$11,598.79; Fund 215 total budget increase of \$592.00; Fund 226 total budget increase of \$3,357.00; Fund 249 total budget increase of \$1,807.69; Fund 292 total budget increase of \$359.00; and Fund 588 total budget increase of \$619.00. Budget adjustment transferring \$3,281.25 for legal bills for County Drain Commissioner from the Carried Forward Fund Equity line item to the Legal-Civil Counsel line item in the Drain Commissioner's Budget. This transfer is for one bill only, any future bills will come before the Board in this manner.
- C. Investment Report
- D. Correspondence:
  - 1. Letters of Support From Hebron, Koehler and Munro Townships in Regards to Drain Commissioner Issue
  - 2. Cheboygan County Jail Inspection Report
  - 3. NEMCOG Public Notice Proposed Reissuance of Regional Permit
- E. Minutes:
  - 1. Commissioners Committee of the Whole Meeting of May 24, 2011 and minutes of the May 18, 2011 Joint 9-1-1 Meeting
  - 2. Health Board – April 19, 2011
  - 3. Michigan Northern Counties Association – April 18, 2011
  - 4. Cheboygan County Airport Authority Board – April 7, 2011
  - 5. Cheboygan County Fair Board – May 2, 2011
  - 6. Jail Utilization Committee – February 16, 2011
  - 7. Construction Code Board of Appeals – April 4, 2011 and April 6, 2011
  - 8. Cheboygan County Road Commission – May 16, 2011
  - 9. Cheboygan City Council – April 26, 2011 and May 10, 2011
  - 10. Planning Commission Meeting – May 4, 2011 and May 18, 2011
  - 11. ZBA Meeting – April 27, 2011

A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

## Finance/Business Meeting – June 14, 2011

**CITIZENS COMMENTS** – None

**SCHEDULED VISITORS** – None

**FINANCE DIRECTOR'S REPORT** - Finance Director Kari Kortz presented the revenue and expenditures report for the General Fund for the month ended April 30, 2011. She reported total year-to-date revenue of \$996,148.71 versus \$914,994.47 last year at that time. Ms. Kortz reported expenditures year-to-date of \$3,222,493.15, or 30.59% of budget, compared to \$3,316,740.65 last year as of the end April.

**ADMINISTRATOR'S REPORT** – Administrator Overton said he has not reached a decision on whether or not to accept the position in Jackson County.

### **COMMITTEE REPORTS**

Commissioner Redmond presented a recommendation from the Board Appointments & Procedures Committee on an appointment to the North Country Community Mental Health Board.

**Motion** by Commissioner Redmond, seconded by Commissioner Matelski, to accept the recommendation from the Board Appointments & Procedures Committee and appoint Ed Ginop to the North Country Community Mental Health Board for a three year term commencing April 1, 2011 through March 31, 2014. Motion carried with 7 yes, 0 no and 0 absent.

Commissioner Redmond reported attending the MAC Workers' Comp Board meeting, the Health Board meeting, the Tri-County 9-1-1 meeting, the Board Appointments & Procedures Committee meeting, the Fair Board Meeting and a Benton Township meeting.

Commissioner Wallace noted that Cheboygan County did not have a quorum at the recent Tri-County 9-1-1 meeting. Commissioner Socha said she preferred the Headlands over Whiting Park.

Commissioner Allor reported attending the Forest Township meeting, The North Country Community Mental Health Board meeting, the MTA meeting, and the NEMCSA meeting. She said NCCMH received approval for a loan on a new building located in front of Walmart in Petoskey. She also reported NEMCSA will be hosting a program on elder abuse in Indian River on September 13, 2011; and energy assistance and delivered fuels programs forms are available. Discussion was held on disseminating information on NEMCSA programs. Administrator Overton said the information could be scanned and places on the county website along with a link to NEMCSA. Commissioner Allor said there is an opening for a member at large from Cheboygan County on the NEMCSA Board.

Commissioner Gouine reported attending an inter-municipality meeting where much discussion was held on blight issues. He said his concern with blight enforcement is that items will be moved on to state lands; and if townships adopt blight ordinances, the county may end up playing a part in enforcement.

Commissioner Matelski attended two planning commission meetings, two road commission meetings, two township meetings, a county apportionment meeting, a ZBA meeting, a MTA meeting, and a MSUE District 3 meeting. He said it is interesting meeting with other counties, Cheboygan County is so far ahead of many of the surrounding counties, especially in ordinances.

Commissioner Socha attended the Tri-County 9-1-1 meeting, the Tri-County Office of Emergency Management meeting, the Airport Authority meeting, the ZBA and NLEA. She also attended the Cheboygan County MTA meeting, meetings of Mackinaw, Beaugrand and Hebron townships, and three Tax Allocation Board meetings. As a result of the Tax Allocation meetings it seems as though the units of government in this county are in pretty good shape financially. She said perhaps Cheboygan County should consider joining the Northwest Michigan Council of Government; Lt. Ken Mills of SANE will be at the July Committee of the Whole meeting.

**OLD BUSINESS** – None

## Finance/Business Meeting – June 14, 2011

### NEW BUSINESS

Community Development Planner Scott McNeil presented a proposed resolution to extend the moratorium on the processing of any zoning applications which might be presented to the county regarding the sale or dispensation of medical marijuana for an additional 90 days. This will protect the county against legal issues while allowing the Planning Commission time to complete a thorough review and recommendation. Civil Counsel Bryan Graham concurs with this.

**Motion** by Commissioner Wallace, seconded by Commissioner Horrocks, to adopt the following resolution and authorize the Chair to sign:

#### RESOLUTION EXTENDING MORATORIUM ON MEDICAL MARIJUANA LAND USES Resolution No. 11 of 2011

##### Recitals

- A. On March 8, 2011 the Cheboygan County Board of Commissioners adopted a resolution imposing a moratorium on medical marijuana land uses for a period of 120 days, which will expire on July 5, 2011.
- B. The resolution directed the Cheboygan County Planning Commission to begin its study and consideration concerning appropriate amendments to the current Cheboygan County Zoning Ordinance regulating/addressing facilities involved in and activities allowed by the Medical Marijuana Act immediately.
- C. The Planning Commission has completed a substantial amount of its study and consideration concerning medical marijuana and held a public hearing on a proposed zoning ordinance amendment on May 18, 2011.
- D. The proposed zoning ordinance amendment, however, will not be ready for enactment and will not go into effect until after the expiration of the moratorium.
- E. The resolution imposing the moratorium on medical marijuana land uses provided that the moratorium could be extended by further resolution of the Board.
- F. The Board, therefore, desires to extend the moratorium on medical marijuana land uses for an additional 90 days.

##### Resolution

NOW, THEREFORE, BE IT RESOLVED that:

1. The Cheboygan County Board of Commissioners hereby extends the moratorium on (1) the legislative review of any application for the rezoning of property to allow facilities involved in and activities allowed by the Medical Marijuana Act, (2) an administrative deferral of review of any application for a zoning permit to allow facilities involved in and activities allowed by the Medical Marijuana Act, and (3) an administrative deferral of the issuance of any zoning permit authorizing facilities involved in and activities allowed by the Medical Marijuana Act for an additional ninety (90) days, calculated from the date of this resolution is adopted.
2. The Cheboygan County Planning Commission is hereby directed to continue its study and consideration concerning appropriate amendments to the current Cheboygan County Zoning Ordinance regulating/addressing facilities involved in and activities allowed by the Medical Marijuana Act and to make its recommendations concerning medical marijuana land uses as soon as possible.
3. If any section, provision or clause of this Resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Resolution, which can be given effect without the invalid portion or application.

## Finance/Business Meeting – June 14, 2011

4. This Resolution shall be effective immediately following its adoption.

A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

District Court Administrator Jodi Barrette presented the annual renewal of the contract with BIS Digital, Inc. for recording system support.

**Motion** by Commissioner Redmond, seconded by Commissioner Allor, to approve the agreement for recording system support between BIS Digital, Inc. and 89<sup>th</sup> District Court – Cheboygan County for a term commencing August 1, 2011 through July 31, 2012 and authorize the Chairperson to sign. Motion carried.

Ken Talsma of Anderson, Tackman & Company presented a report on the County Audit for Fiscal Year ending December 31, 2010. Mr. Talsma reviewed and explained several charts of assets, revenues and expenses for 2010. The received an unqualified opinion which denotes a very good audit. Mr. Talsma said with a strong delinquent tax fund and no debt, the county is positioned much better than many other counties in the state. Discussion held regarding the effect of possible changes at the state level. Mr. Talsma said the State Tax Commission has predicted declining taxable values for the next four years. Chairperson Socha said everyone has played a part in keeping the county solvent.

**Motion** by Commissioner Matelski, seconded by Commissioner Allor, to accept the fiscal year 2010 audited financial statements from Anderson, Tackman & Company for Cheboygan County. Motion carried with 7 yes, 0 no and 0 absent.

Mr. Talsma briefly reviewed the Straits Regional Ride Audit.

**Motion** by Commissioner Redmond, seconded by Commissioner Gouine, to accept the fiscal year 2010 audited financial statements from Anderson, Tackman & Company for Straits Regional Ride. Motion carried with 7 yes, 0 no and 0 absent.

Sheriff Clarmont said his department requested and was approved for a 2011 State of Michigan Marine Safety Program Equipment Grant. The grant allows for the purchase of a 2012 Pursuit C 200 Center Console marine patrol boat, which will replace the 1993 Pursuit marine patrol boat currently in use. The proceeds from the sale of the 1993 Pursuit will be applied to the overall cost of the 2012 Pursuit C 200 Center Console marine patrol boat. The grant is 100% grant funded with no requirement of local matching monies. Sheriff Clarmont said the boat is considered specialized equipment and therefore only two bids were sought. Triton Boats came in at \$31,439 and Walstrom Marine came in at \$23,918.95; and he recommended purchasing the boat from Walstrom Marine. He said the motor is being purchased at the state bid amount from BRP US, Inc. at \$10,055.07. No other bids are necessary when a state bid is being used. The installation of the motor will be done for \$525.00 by Walstrom Marine.

**Motion** by Commissioner Allor, seconded by Commissioner Horrocks, to accept the 2011 State of Michigan Marine Safety Program Equipment Grant, authorize the Sheriff to sign the necessary grant documents, authorize the purchase of a 2012 Pursuit C 200 Center Console marine boat and installation from Walstrom Marine at a cost of \$24,443.95 and a 150hp Evenrude motor and accessories from Johnston Marine at a cost of \$10,055.07, and approve the necessary budget adjustments. Motion carried with 7 yes, 0 no and 0 absent.

County Treasurer Cronan presented a written report on the Foreclosure Fund and briefly reviewed the history of this fund for the new commissioners. She said although the law only requires the County Treasurer to report the remaining balance from the sales proceeds, her report showed all revenues and all expenses that have reported in this fund. She reported a balance of \$21,319.75.

**Motion** by Commissioner Matelski, seconded by Commissioner Allor, to accept the Cheboygan County Treasurer's Foreclosure Report and instruction the County Treasurer to move funds in the amount of \$21,319.75 from the Foreclosure Fund into the General Fund. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

## Finance/Business Meeting – June 14, 2011

**CITIZENS COMMENTS** – None

### **BOARD MEMBER COMMENTS**

**Motion** by Commissioner Matelski, seconded by Commissioner Horrocks to cancel the regularly schedule Committee of the Whole meeting on June 28, 2011 to be posted by the Clerk. Motion carried with 7 yes, 0 no and 0 absent.

The Board's Planning Session will be held tomorrow, June 15, 2011, at the UAW Center on Black Lake from 9 a.m. to 5 p.m.

Commissioner Redmond asked to be excused from the July 12, 2011 Finance/Business Meeting.

**Motion** by Commissioner Matelski, seconded by Commissioner Redmond, to go into closed session to consult with Attorney Gregory R. Grant of the law firm of Cummings, McClorey, Davis & Acho, P.L.C. regarding mediation award in connection with the case of *Bidwell v Cheboygan County, et al*, File No. 1:09-cv-14557, pending in the United States District Court for the Eastern District of Michigan-Northern Division, pursuant to Section 8(e) of the Open Meetings Acts since discussion in an open meeting will have a detrimental financial effect on the litigation position of the County. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Went into closed session at 11:22 a.m. Returned to open session at 11:50 a.m.

**Motion** by Commissioner Redmond, seconded by Commissioner Horrocks, to authorize settlement of \$275,000 in the matter of *Bidwell v Cheboygan County, et al*, File No. 1:09-cv-14557, pending in the United States District Court for the Eastern District of Michigan-Northern Division. Discussion held, Commissioner Socha said the county has no admission of liability in this matter. Commissioner Matelski said there is no other choice. Commissioner Horrocks said the jail acted in the correct manner and the county is at the mercy of the insurance company. Commissioner Wallace said the county's insurance company agreed to this settlement and no taxpayer money has been used. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

**Motion** by Commissioner Matelski, seconded by Commissioner Wallace, to adjourn to the call of the Chair. Meeting adjourned at 11:55 a.m.

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Mary Ellen Tryban  
Cheboygan County Clerk/Register

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Linda Socha  
Chairperson