

CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
FINANCE/BUSINESS MEETING
August 9, 2011

The regular meeting of the Cheboygan County Board of Commissioners was called to order in the Commissioners Room by Vice-Chairperson Pete Redmond at 9:30 a.m.

Roll called and a quorum present.

Present: Commissioners Don Horrocks, Pete Redmond, Cal Gouine, Tony Matelski, John Wallace, and Sue Allor

Absent: Commissioner Linda Socha (excused)

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

Motion by Commissioner Matelski, seconded by Commissioner Horrocks, to approve the agenda as presented. Motion carried with 6 yes, 0 no and 1 absent.

Motion by Commissioner Allor, seconded by Commissioner Matelski, to approve the consent agenda as follows:

- A. Approve Monthly Finance Claims: Finance = \$43,535.98 Prepaids = \$915,587.34
- B. Budget Adjustments – Transfer of \$3,403.25 from the Carried Forward Fund Equity line item to the Legal – Civil Counsel’s line item in the Drain Commissioner Department; Inter-department budget transfers regarding SAYPA and Straits Regional Ride; Raise Revenues and Expenditures Fund 101 Department 285 General County raises Fund Equity revenue line item and Capital Outlay expenditure line item by \$950; Fund 101 Department 331 Sheriff raises Sale of Fixed Assets revenue line item and Equipment – New expenditure line item by \$1,834.31; Fund 101 Department 412 Community Development raises USDA Grant revenue line item and Contractual Services expenditure line item by \$25,000; Fund 115 Gypsy Moth raises Fund Equity revenue line item and Expenditure Control expenditure line item by \$31,600.17; Fund 234 DNR Forest Flow Through Fund raises Commercial Forest revenue line item and Distribution to Townships/Schools expenditure line item by \$13,000.
- C. Investment Report
- D. Title IV-D Cooperative Reimbursement – Prosecutor
- E. Title IV-D Cooperative Reimbursement – Fried of the Court
- F. Correspondence:
 - 1. DNR Payments – National Forest Revenues
 - 2. MAC Membership
 - 3. SAYPA Site Visit Results
 - 4. Tri-County Convention Facilities Tax/4% State-Wide Liquor Tax
 - 5. NEMCOG Drinking Revolving Fund Notice of Public Hearing
 - 6. NEMCOG Notice of Intent by Third Level Crisis Intervention Center, Inc. to apply for federal assistance from DHS
 - 7. USDA Rural Development-Rural Business Enterprise Grant
 - 8. Grand Traverse County Resolution Supporting Employee Freedom to Work Act
- G. Minutes:
 - 1. Commissioners Reconvened Meeting of July 11, 2011, Finance/Business Meeting of July 12, 2011, and Committee of the Whole Meeting of July 26, 2011
 - 2. Health Board – June 2, 2011
 - 3. Michigan Northern Counties Association – July 18, 2011
 - 4. North Country Community Mental Health Board – None
 - 5. C.C.E. 9-1-1: Board Minutes of March 16, 2011; Director’s Report; Detailed Financial Reports Available in County Clerk’s Office
 - 6. Northern Lakes Economic Alliance Board of Directors – May 19, 2011
 - 6. Cheboygan County Fair Board – June 6, 2011 and July 7, 2011
 - 7. Cheboygan County Road Commission – June 20, 2011, July 7, 2011 and July 19, 2011
 - 8. Planning Commission Meeting – June 6, 2011 and July 20, 2011
 - 9. ZBA Meeting – June 22, 2011

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A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

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 June 30, 2011. She reported total year-to-date revenue of \$2,117,934.79 versus \$2,277,575.56 last year at that time. Ms. Kortz reported expenditures year-to-date of \$4,683,068.72, or 44.23% of budget, compared to \$4,819,472.07 last year as of the end June. She reviewed the Fund Balance quarterly report and Summary of General Fund Expenses by Category, which also is a quarterly report, as well as the Budget to Actual Semi-Annual Report.

ADMINISTRATOR'S REPORT – Administrator Lawson's written report included the following: met with NEMAH officials to discuss projects as well as program guidelines prior to scheduling a Housing Commission meeting; the Community Development Department has received approval from USDA to implement the "Sense of Place" project. The department staff will be working with NLEA to develop and issue a RFP to obtain a consultant for the project which will be paid for by grant funding; and attended a meeting alongwith HR Director Tim Gengle held by NEMCOG concerning the development of a health insurance pool for municipalities in Northern Michigan. Administrator Lawson said he has talked with the County Clerk and his Administrative Assistant regarding implementation of e-packets for the board. More information on e-packets and the proposed health insurance pool will be forthcoming.

COMMITTEE REPORTS

Commissioner Allor attended a NEMCSA meeting, township meetings, the MTA meeting and the emergency management program in Emmet County. She said it was recommended that all townships become aware of the Michigan Emergency Management Act. She reported that NEMCSA approved the transfer of \$7,000 in grant money to the Cheboygan County Council on Aging and also the graying of the north and its impact on counties was once again discussed at the NEMCSA meeting.

Commissioner Gouine reported attending meetings of the Fair Board and Inverness Township.

Commissioner Matelski attended two planning commission meetings, one road commission meeting, three township meetings, a ZBA meeting, the MTA meeting a Board Appointments & Procedures meeting and a District #4 Health Board meeting. He said the Road Commission conducted an evaluation of the engineer/manager.

Commissioner Horrocks attended a recent Michigan Northern Counties meeting, the Humane Society meeting and the Cheboygan City Council meeting. He reported the Humane Society plans to replace monthly meetings with an annual meeting and the City of Cheboygan plans to table the medical marijuana issue.

Commissioner Wallace said he chairs the Consortium meetings and noted due to reduced federal funds this year there will be many cuts and changes. He also noted that the 9-1-1 Board has directed C.C.E. to become more self-sufficient so they are in the process of reviewing the towers with preference to owning towers rather than leasing them.

Commissioner Redmond attended two Fair Board meetings, a Straits Regional Ride meeting regarding contracts, and the Benton Township monthly meeting. He reported that Benton Township has purchased a camera system to monitor the township park and property as well as the recycling area.

OLD BUSINESS – None

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NEW BUSINESS

Straits Regional Ride Director Mike Couture presented several contracts for approval. Regarding the MDOT contract 2007-0191/Z9/R2, Mr. Couture stated the contract was originally issued at \$208,000, revision one raised the revenue \$52,000 to \$260,000 to purchase buses. We have completed the bus purchases and moved forward leaving this contract with a balance of \$24,439.00. In order to use the balance along with an additional contract to purchase two additional buses this contract must be extended for one more year resulting in this revision.

Motion by Commissioner Matelski, seconded by Commissioner Gouine, to approve the Revised Project Authorization FY 2008 Section 5309 Earmarks, MDOT Agreement No. 2007-0191 Authorization No. Z9/R2, and authorize the Chair to sign. Motion carried with 6 yes, 0 no and 1 absent.

Mr. Couture presented MDOT contract 2007-0191/Z19 FY 2010 Section 5309 State of Good Repair. He said this contract is the mechanism to receive bus funding since Earmarks have been done away with. The contract awards the county \$225,423 to purchase up to two new 30 foot buses to be used for public transportation by SRR.

Motion by Commissioner Matelski, seconded by Commissioner Gouine, to approve the Project Authorization FY 2010 Section 5309 State of Good Repair, MDOT Agreement No. 2007-0191, Authorization No. Z19, and authorize the Chair to sign. Motion carried with 6 yes, 0 no and 1 absent.

Discussion held on whether there would be a possibility of getting small van like vehicles instead of buses. Mr. Couture said the morning routes and afternoon routes all have full buses at this time. He said a van may be able to be used in the middle of the day however the other vehicles can be used the entire day.

Mr. Couture presented MDOT Contract 2012-0061 and Resolution 11-12 Master Agreement Resolution. He said this contract provides the foundation of rules and regulations that allows State and Federal Government to pass on monies to promote or benefit public transportation. This contract is not all inclusive, as many grants will be attached to this contract over the next five years and will come with additional rules and regulations also. This contract has been reviewed by Civil Counsel with the recommendations of review by Finance and SRR director for compliance.

Motion by Commissioner Matelski, seconded by Commissioner Gouine to adopt Resolution 11-12 Master Agreement Resolution, approve the five year Master Plan between the Cheboygan County Board of Commissioners and the Michigan Department of Transportation, Contract No. 2012-0061, and authorize the Chair to sign. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Mr. Couture presented the COP-ESD Regular School Contract for the 2011-2012 school year. This contract provides one bus with an aide and driver to transport children from Rogers City School district to Onaway School in the morning and return in the afternoon, and was written and reviewed by civil counsel. He said quarterly revenue of \$16,289.36 or \$65,157.44 annually results from this contract.

Motion by Commissioner Allor, seconded by Commissioner Horrocks, to approve the Transportation Agreement between Cheboygan County on behalf of Straits Regional Ride and Cheboygan-Otsego-Presque Isle Educational Service District totaling \$65,157.44 for the 2011-2012 school year to be paid in quarterly installments of \$16,289.36 and authorize the chair to sign. Motion carried with 6 yes, 0 no and 1 absent.

Fair Board Manager Dan O'Henley presented a contract for security services during fair week. The contract provides that North Central Security LTD will furnish security services in the form of two uniformed and qualified security guards from August 8-13, 2011 from 8 p.m. to 6 a.m. each day with compensation of \$14.0 per hour per guard and a one time travel charge of \$240.00.

Motion by Commissioner Gouine, seconded by Commissioner Matelski, to approve the agreement between North Central Security LTD and the Cheboygan County Fair Board for security at the fairgrounds

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from August 8, 2011 to August 13, 2011 and authorize the Chair to sign. Motion carried with 6 yes, 0 no and 1 absent.

Community Development Planner Scott McNeil presented Zoning Ordinance Amendment #91 concerning Medical Marijuana for approval. He said this zoning ordinance amendment would implement land use regulations to address medical marijuana in accordance with the Michigan Medical Marijuana Act (MMMA) Initiated Law 1 of 2008, and references two activities associated with MMMA: use of medical marijuana by Qualifying Patients and use by Primary Caregivers. The ordinance provides for the use of medical marijuana by Qualifying Patients in their dwelling without a zoning permit. Qualifying Patients are persons who are approved to use and grow marijuana for their own medical purposes under MMMA. The ordinance also provides regulations relative to maintaining proof of qualifying patient status, growing of medical marijuana for their own use, and trade and exchange of medical marijuana. The ordinance provides the ability of Primary Caregivers to conduct activity relative to medical marijuana use in a dwelling in any zoning district with a zoning permit. A Primary Caregiver is approved under MMMA to grow medical marijuana for a qualifying patient and assist the qualifying patient with the medical use of marijuana. The ordinance provides detailed regulation of primary caregiver activity and operation which includes a limit of one (1) primary caregiver to provide primary caregiver services in a single dwelling, hours of operation from 7:00A.M. to 8:00P.M., limiting the number of qualifying patients which can be present at a dwelling of a caregiver where caregiver services are provided to five (5) at the same time and prohibiting the dispensing of medical marijuana to a qualifying patient at the dwelling of the primary caregiver. The ordinance also requires a dwelling in which a primary caregiver is providing primary caregiver services to be located more than 1,000 feet from uses such as churches, schools, child care or day care facilities and public facilities such libraries, community centers and parks. Both County Prosecutor Daryl Vizina and Sheriff Dale Clarmont foresee relatively few problems if any with the way the proposed ordinance has been written.

Motion by Commissioner Matelski, seconded by Commissioner Allor, to adopt Zoning Ordinance #91 Concerning Medical Marijuana (copy on file in County Clerk's Office or Community Development Office). A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Building Safety Official Al Hoard presented a Memorandum of Understanding between Cheboygan and Emmet Counties to provide construction inspection services to each other in the event of a temporary shortage of personnel. This agreement would allow the department to improve its ability to provide inspection service when an inspector is unavailable, but would only be used in emergency situations. He said Emmet County has approved the agreement.

Motion by Commissioner Allor, seconded by Commissioner Wallace, to approve the Memorandum of Understanding between the County of Emmet and the County of Cheboygan to provide construction inspection services on an as-needed emergency basis and authorize the Chair to sign. Motion carried with 6 yes, 0 no and 1 absent.

Finance Director Kari Kortz presented Amendment #6 to the 2011 Salary & Wage Resolution. She stated the amendment is necessary as the number of employees that could be hired; the number of hours allowed each week, the total number of hours allowed to work each year and the pay scale for each position at the Fair was specified in the 2011 Salary & Wage Resolution adopted in October 2010. To adequately prepare for the 2011 Cheboygan County Fair, the Fair Manager, Dan O'Henley, was required to hire more employees than originally provided for. This situation requires Amendment #6 to the 2011 Salary and Wage Resolution. Although more employees are needed and more hours will be worked, the total expenditure will not exceed the previously approved budget of \$12,000.

Motion by Commissioner Gouine, seconded by Commissioner Matelski, to adopt Amendment #6 to the 2011 Salary & Wage Resolution for Fair Seasonal Employees, and authorize the Chair to sign. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

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CITIZENS COMMENTS – Prosecutor Daryl Vizina advised that the Domestic Violence Prosecutor Kerry Zahner who currently works out of Cheboygan, Charlevoix and Emmet counties will be leaving the position shortly due to state cuts in grant funding for the position. He said the cases she has dealt with are extremely difficult cases. He said Charlevoix and Emmet counties have asked him to pick up the difference that the grant had covered. He anticipates that they will not ask for resources to fill that position. He said he is confident that work can be absorbed by his current staff.

Brad Forrester, a medical marijuana advocate, voiced displeasure over the passage of this ordinance. He said most changes made to the ordinance during the process were technical changes, not changes that would better accommodate the patients. He said neither the patients or the caregivers were served with this ordinance.

BOARD MEMBER COMMENTS – Commissioner Matelski said 60 to 70 medical marijuana advocates attended meetings of the planning commission; however over 26,000 county residents did not attend.

Motion by Commissioner Wallace, seconded by Commissioner Matelski, to go into closed session pursuant to Section 8(h) of the Open Meetings Act, being MCL 15.268(h), to consider the written memo from our attorney dated August 3, 2011, which is exempt from disclosure by Section 13(1)(g) of the Michigan Freedom of Information Act, being MCL 15.243(1)(g), since this memo is subject to the attorney-client privilege.

Went into closed session at 11:05 a.m.; returned to open session at 11:12 a.m.

Motion by Commissioner Allor, seconded by Commissioner Horrocks, to pay \$481.25 to Attorney Dennis Grenkowitz, representative for the former drain commissioner, and to note this is to recognize his travel time on June 8, 2011. Motion carried with 6 yes, 0 no and 1 absent.

Motion by Commissioner Wallace, seconded by Commissioner Matelski, to adjourn to the call of the Chair. Meeting adjourned at 11:15 a.m.

Mary Ellen Tryban
Cheboygan County Clerk/Register

Pete Redmond
Vice Chairperson