

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS  
FINANCE/BUSINESS MEETING  
September 14, 2010**

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 Socha, Makima, Redmond, Page, Wallace and Bolinger

**ABSENT:** Commissioner Mushlock (excused)

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

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

**Motion** by Commissioner Redmond, seconded by Commissioner Wallace, to approve the consent agenda as presented:

- A. Approve Monthly Finance Claims: Finance = \$30,937.54 – Prepaids = \$1,084,145.00
- B. Budget Adjustments - Raise Revenues and Expenditures: Fund 101, Dept. 301 Sheriff total budget increase of \$275, Fund 264 Local Corrections Officer Training total budget increase of \$1,500; Fund 286 Revenue Sharing Reserve Fund total budget increase of \$73,712; and Fund 292 Childcare Fund \$250. Inter-budget Transfers – Payroll Related: Clerk/Register Office decreases the carried forward fund equity expenditure line item and increases the full-time expenditure line item by \$825; Sheriff Dept. ORV Department decreases the gas expenditure line and increase the part-time expenditure line item by \$150
- C. Cheboygan County Housing Department
  - 1) Bid Recommendation for Project H-2010-312
  - 2) Bid Recommendation for Project H-2010-318
  - 3) 2009 USDA Rural Development Housing Preservation Grant Amendment
- D. Grant Application for 2011 Secondary Road Patrol & Traffic Accident Prevention Program
- E. 2010 Board Goals
- F. Correspondence:
  - 1. NMSAS Letter – Dennis Priess' Retirement
  - 2. Cheboygan County Farm Bureau Annual Meeting
  - 3. Benzie County Resolution in Support of House Bill 449
  - 4. Hillsdale County Resolution in Support of House Bill 449
  - 5. Lake County Resolutions in Support of House Bill 449 and in Opposition to House Bill 5882 Juvenile Justice Residential Programs Increase
  - 6. Monroe County Resolution in Support of Pure Michigan
  - 7. Saginaw County Resolutions Urging Federal Government to Reconsider Proposed Internet Regulation by the FCC and Opposing a Public Per Diem for Private Agencies Contracted by DHS for Foster Care
  - 8. NEMCOG Notice of Intent by Mullett Township to Apply for Federal Assistance from USDA
- G. Minutes:
  - 1. Commissioners Finance/Business Meeting of August 10, 2010 and Committee of the Whole Meeting of August 24, 2010
  - 2. Health Board Meeting – July 20, 2010
  - 3. North Country Community Mental Health Board – July 15, 2010
  - 4. NMSAS Board of Directors – July 12, 2010
  - 5. Northern Michigan Community Corrections Advisory Board – April 30, 2010
  - 6. Cheboygan County Housing Department – June 16, 2010 Annual Meeting
  - 7. Cheboygan County Airport Authority Board – April 1, 2010 and June 3, 2010
  - 8. Cheboygan County Fair Board – July 12, 2010
  - 9. Millage Appropriation Committee – August 27, 2010
  - 10. Cheboygan County Road Commission – August 5, 2010

## Finance/Business Meeting – September 14, 2010

11. Cheboygan City Council – June 22, 2010, July 13, 2010, July 27, 2010 & August 10, 2010
12. Planning Commission Meeting – July 20, 2010, August 4, 2010 and August 11, 2010

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

**CITIZENS COMMENTS** – Kathleen Lapeer, candidate for District 7 Commissioner, voiced concerns opposing the request for a deputy drain commissioner while facing budget shortfalls and possible layoffs.

John Pietrangelo, former Drain Commission for the county, stated at times it could be necessary for a deputy drain commissioner, but it should not be a paid position. He said he understands the current Drain Commission has been involved with a petition for a possible sewer project in Benton Township.

Wayne Vermilya, former Presque Isle Commissioner and resident of Allis Township in Presque Isle County, introduced himself as a candidate for the Presque Isle Electric & Gas Board. He said his experience would be an asset to this board and would strive for predictable, affordable energy costs.

Chairperson Socha stated, in regards to the Drain Commissioner's request for a deputy, the Board at this time does not know a lot on the matter, however, the request is on today's agenda.

**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 July 31, 2010. She reported total year-to-date revenue of \$3,186,115.88 versus \$2,692,525.18 last year at that time. Ms. Kortz reported expenditures year-to-date of \$5,837,466.96, or 51.51% of budget, compared to \$6,173,020.94 last year as of the end July.

### COMMITTEE REPORTS

Commissioner Bolinger reported attending the LEPC meeting.

Commissioner Page attended the Humane Society and reported they continue to be busy. The society's annual garage sale made \$15,000 and \$2,562 was made on the donut sale fundraiser. He said the Humane Society has organized a black tie dinner to be held at the Eagles on October 23<sup>rd</sup>. Commissioner Socha said she has received several telephone calls from residents in the City regarding missing animals and attacks by either coyotes or wolves. These callers were referred to the Humane Society. Commissioner Page also reported attending the Cheboygan County Council on Aging meeting. This group has a fall harvest fundraiser scheduled for October 21<sup>st</sup>. The CCCOA was happy the senior millage passed. A financial audit has been completed and two new board members have been added. Commissioner Page also attended regular township meetings with nothing out of the ordinary to report. Commissioner Wallace asked if a copy of CCCOA's audit was received; both Commissioner Page and the Finance Director have received copies.

Commissioner Makima attended meeting of the Cheboygan City Council and the Road Commission.

Commissioner Wallace referred to the letter from NMSAS regarding the retirement of Dennis Priess as Executive Director. He said it looks like Sue Winter will be appointed the new director. He also advised that the new ambulance building in Indian River is ready to open.

Commissioner Redmond attended Benton Township meetings, the LEPC and the Fair Board. He said the Fair Board feels this year's fair went well and they received no complaints; the livestock auction was up slightly from 2009. He reported the group discussed the budget meeting and that there is a vacancy on the fair board, however, the Board voted to reduce the membership from 14 members to 13, which would be sufficient.

Commissioner Socha attended various meeting including three emergency management related meetings, one to meet the new director, who appears to be very competent, a LEPC meeting and a LEPT meeting. She said NEMCOG has requested to update to our Hazard Mitigation Plan which is done through emergency management. She said there is a match for this and a lot more information to gather

## Finance/Business Meeting – September 14, 2010

as well as the input of the emergency management director. Greg. Williams, the new director, has done these plans and would be willing to do an update, which is probably the way we will go.

### **OLD BUSINESS** - None

### **NEW BUSINESS**

Administrator Overton presented a request from the Drain Commissioner regarding appointment of a Deputy Drain Commissioner. Mr. Overton said he did make it clear with Mr. Lennox that he would need to be present to address this request; however, he said he probably could never make a Tuesday meeting. The letter drafted by Mr. Lennox to County Clerk Tryban lacked justification for additional personnel. Civil Counsel Bryan Graham advised that state statute does provide for the position of a deputy drain commissioner, but specifically states "if the Board of Commissioners approves". Lengthy discussion was held on this request as well as on Mr. Lennox's budget request to set aside \$75,000 in a revolving fund for county drainage districts. Mr. Overton said per Mr. Lennox's budget request for a deputy, the cost would be \$1,700 plus ancillary expenses. Civil Counsel advised that a petition for a drain or a petition for a drainage district, are two different things. Commissioner Page asked Administrator Overton to convey to Mr. Lennox with budget cuts for next year, \$75,000 for a drain would be a hard sell. Administrator Overton said he would convey the message.

**Motion** by Commissioner Wallace, seconded by Commissioner Bolinger, to table the Deputy Drain Commissioner request to the next Finance/Business meeting on October 12, 2010. Motion carried with 6 yes, 0 no and 1 absent.

The annual Department of Human Services Homemaker Position contract was reviewed by Civil Counsel Bryan Graham. Mr. Graham noted there was no refund language included on Page 7 under Item L Termination. Finance Director Kari Kortz also pointed out changes to be made on Page 2, Paragraphs 2 and 4 should be changed from 30 days to 120 days with payment due January 1, 2011.

**Motion** by Commissioner Wallace, seconded by Commissioner Wallace, to table the approval of the DHS Homemaker Contract until the Committee of the Whole meeting on September 28, 2010. Motion carried with 6 yes, 0 no and 1 absent.

Straits Regional Ride Director Mike Couture presented the lease agreement between the Cheboygan County Airport Authority and Cheboygan for Straits Regional Ride space. The term of the lease is for 3 years with the option to renew for an additional term of three years at a cost of \$1,200 monthly. This reflects a zero increase.

**Motion** by Commissioner Redmond, seconded by Commissioner Makima, to approve the three year Lease Agreement between Cheboygan Airport Authority and Cheboygan County for the use of Straits Regional Ride, a department of the lessee, and authorize the Chair to sign. Motion carried with 6 yes, 0 no and 1 absent.

Maintenance Director Tim Mason presented a proposal to repave and enlarged the County Building back parking lot. This proposal would be to grind up and repave and to add two new entrances to the south end of the parking lot by Glen's and extend the pavement farther to the north to include the areas in front of the recycle bins and dumpsters. Bids were received from Payne & Dolan in the amount of \$57,250 and Rieth & Riley in the amount of \$59,773. The funding for this project would come from the Courthouse Preservation fund.

**Motion** by Commissioner Redmond, seconded by Commissioner Bolinger, to award the bid to Payne & Dolan, Inc. in the amount of \$57,250 to pave the back lot at the County Building and authorize the Chair to sign. Motion carried with 5 yes, 1 no (Commissioner Wallace) and 1 absent.

Mr. Mason presented a proposal for new concrete slabs for the county's dumpsters and the recycle bins. These slabs would be a more substantial surface for the dumpsters and bins. Seven bids were received for this project with Carney Construction being the low bidder at \$11,875. Funds for this project are available in Recycling Department and County Building Grounds Improvement funds. Discussion held on

## Finance/Business Meeting – September 14, 2010

using Courthouse Preservation Funds for this project. Civil Counsel Bryan Graham advised he would be concerned that the recycling bins are used beyond the needs of the county facility and may not be appropriate from the Courthouse Preservation Fund.

**Motion** by Commissioner Page, second by Commissioner Redmond, to award the bid to James Carney, d/b/a Carney Construction for the amount of \$11,875 to construct two concrete slabs for the recycle bins and the county dumpsters and authorize the Chair to sign with costs apportioned between the Recycling Department and Courthouse Preservation Fund. Motion carried with 6 yes, 0 no and 1 absent.

Mr. Mason presented a proposal to seal and repair the County Building parking lots and driveways. He said the older asphalt is in need of this as it has started to crack and break up making holes that have to be patched yearly. Two bids were received for this project. Discussion held on which fund to use for this project.

**Motion** by Commissioner Page, seconded by Commissioner Bolinger, to award the bid to Michigan Pavement Guard, Inc. for the amount of \$15,050 to repair and seal the driveways and parking lots at the County Building with funding for this project to come from either the Building Improvement Fund or the Courthouse Preservation Fund and authorize the Chair to sign the agreement between the County of Cheboygan and Michigan Pavement Guard, Inc. Motion carried with 6 yes, 0 no and 1 absent.

Commissioner Wallace presented recommendations from the Millage Appropriation Committee regarding the distribution of the senior millage money. The committee recommended the following from the 2011 Senior Citizens Millage Fund: \$54,600 to the Village of Mackinaw City and Wawatam Area Senior Citizens; \$6,000 for the MSUE Project Fresh Program; and \$584,496 to Cheboygan County Council on Aging.

**Motion** by Commissioner Wallace, seconded by Commissioner Page, to approve the Senior Millage Appropriation Agreement in the amount of \$584,496 between Cheboygan County and the Cheboygan County Council on Aging, and authorize the Chairperson to sign, agreements will commence December 1, 2010 and end with a monthly payment in December 2011 paid in equal monthly installments starting January 2011 and ending December 2011. Commissioner Wallace noted this amount is the same requested for this year, and Commissioner Page said not only is the amount the same they are also absorbing an 11% cut from the state. Motion carried with 6 yes, 0 no and 1 absent.

**Motion** by Commissioner Wallace, seconded by Commissioner Page, to approve the Senior Millage Appropriation Agreement in the amount of \$54,600 between Cheboygan County and the Village of Mackinaw City and Wawatam Area Senior Citizens, Inc., and authorize the Chairperson to sign, agreements will commence December 1, 2010 and end with a monthly payment in December 2011 paid in equal monthly installments starting January 2011 and ending December 2011. Motion carried with 6 yes, 0 no and 1 absent.

**Motion** by Commissioner Wallace, seconded by Commissioner Bolinger, to approve the Senior Millage Appropriation Agreement in the amount of \$6,000 between Cheboygan County and Michigan State University Extension, and authorize the Chairperson to sign, agreements will commence December 1, 2010 and end December 2011 paid in one installment in April 2011. Discussion held. Two typographical errors were pointed out in the MSUE agreement which Civil Counsel will correct before signing. Commissioner Wallace said these appropriations leave a little over \$100,000 balance in the Senior Millage Fund. County Treasurer Cronan noted the figures may not be exactly these appropriations and asked if these would be adjusted. Commissioner Wallace stated the committee's recommendations included any difference, if necessary, would be taken from the fund balance. Motion carried with 6 yes, 0 no and 1 absent.

Assistant Prosecutor Tony Damiano presented the Crime Victim's Rights Contract for approval.

**Motion** by Commissioner Redmond, seconded by Commissioner Makima, to authorize the grant acceptance agreements between the Michigan Department of Community Health and the County of Cheboygan – Prosecutor's Office commencing October 1, 2010 through September 30, 2011 for an amount totaling \$43,624 to offset crime victims rights services and authorize execution of the agreement

## Finance/Business Meeting – September 14, 2010

and any other documentation that might be relative to this grant. Motion carried with 6 yes, 0 no and 1 absent.

Community Development Director Steve Schnell presented a zoning ordinance amendment to change the language regarding how a quorum is established for the Zoning Board of Appeals. He explained the county's current ordinance allows the majority of the members present to make a decision, while state law requires a majority of the board, not just those present, to make a decision.

**Motion** by Commissioner Wallace, seconded by Commissioner Makima, to adopt the following:

### **Zoning Ordinance Amendment # 89**

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 TO CHANGE THE QUORUM REQUIREMENT AND TO CHANGE THE REQUIREMENTS FOR THE NUMBER OF VOTES NECESSARY TO APPROVE APPLICATIONS MADE TO THE ZONING BOARD OF APPEALS.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS:

#### **Section 1. Amendment to Section 23.2.**

Section 23.2 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

#### **SECTION 23.2 BOARD MEETINGS**

23.2.1 The Board of Appeals shall not conduct business unless a majority of the regular members are present. Meetings of the Board of Appeals will be held at the call of the chairman, and at other such times and places as the Board of Appeals may determine. All meetings shall be open to the public. The Board of Appeals shall keep minutes of all its proceedings and shall keep records of its findings, proceedings at hearings and other official actions, all of which shall be filed in the office of the Zoning Administrator and County Clerk, and shall be a public record. The Board of Appeals shall adopt its own rules of procedure for meetings.

23.2.2. The concurring vote of a majority of the entire membership of the zoning board of appeals shall be necessary to reverse or amend any order, requirement, decision or determination of the Zoning Administrator, administrative official or body, to decide in favor of the applicant on any matter upon which they are required to pass under the zoning ordinance, or to grant a variance in the Zoning Ordinance.

#### **Section 2. Severability.**

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

#### **Section 3. Effective Date.**

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

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

### **CITIZENS COMMENTS**

John Pietrangelo commented on the coyotes/wolves in the city. He said in Florida there are fewer pets due to alligators.

Inverness Township resident George Buhr voiced concern with the Drain Commissioner asking what he does for the people besides nothing. Mr. Buhr stated water cannot get through culverts near his property leaving his property wet most of the time. Chairperson Socha said he is an elected official and that the Board has no control over what he does, other than budgetary matters. She said regarding the culvert problem he should contact the Road Commission Manager Luke Houlton and also Inverness Township Supervisor Ron Neuman.

Joanna Leal of the Wawatam Seniors thanked the board for their support. She said they are averaging over forty people for meals and raised \$2,000 from a bazaar fundraiser.

**Finance/Business Meeting – September 14, 2010**

**BOARD MEMBER COMMENTS**

Commissioner Page said he attended several township meeting since the approval to place the millage proposal on the November ballot and no one from the Road Commissioner has been present. Commissioner Makima said five or six township supervisors regularly attend the Road Commission meetings, but those complaining are not there to have questions answered.

**Motion** by Commissioner Wallace, seconded by Commissioner Makima, to adjourn to the call of the Chair. Meeting adjourned at 11:01 a.m.

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Mary Ellen Tryban  
Cheboygan County Clerk/Register

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Linda Socha  
Chairperson