

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS  
COMMITTEE OF THE WHOLE MEETING  
September 25, 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.

**Motion** by Commissioner Mushlock, seconded by Commissioner Bolinger, to approve the agenda as presented. 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, the agenda for this meeting does include three items that require action.

**CITIZENS COMMENTS** – Robert Heilman stated that rumor has it the prosecutor plans to sue the county when the recycling fee is put in place. Administrator Overton said the recycling plan would be addressed later in the meeting.

Sheriff Clarmont asked that state legislators be contact in regards to Senate Bill 511, currently before the legislature, which would result in a dramatic cut in the 416 Fund used to fund two of the county road patrol officers.

A moment of silence in memory of U.S. Army Sgt. 1<sup>st</sup> Class Matthew Blaskowski recently killed in Afghanistan was held as requested by County Treasurer Linda Cronan. Discussion was held regarding how the Board could show recognition and support of fallen soldiers with ties to Cheboygan County.

**SCHEDULED VISITORS/DEPARTMENT REPORTS**

MSUE Director Ben Bartlett updated the Board on new staff and programs in MSU Extension. New staff members are Alicia Richey, Family Nutrition Program/BFI Peer Counselor, and Linda Baney, VISTA After-School Program/Youth Farm Stand. He noted that George Olson would be leaving in October after two years as an Americorps VISTA worker in charge of the 4-H Thriver Mentoring Program. He said the position will continue, but limits participation to two years. Mr. Bartlett said he has been interim Extension Director since July 1<sup>st</sup> in Presque Isle County, and probably will continue through the end of the year. He reported various programs, the Children, Youth and Family/4-H Program projects which included Author Quest and Project FISH, as well as upcoming programs of Jr. Master Gardener, China Art, Mentor Program, Babysitting Training, Youth Stewards at Grass Bay, and Teen Facilitative Leadership; the Family Nutrition Program, which included Team Nutrition, Beast Feed Initiative, Family Fund Day at the Fair, the Senior Commodity Program, and the Youth Farm Stand; and Agriculture, which included Switchgrass Plots, Forage Production Plots, Drought Management Strategies, Bovine TB, and Sheep Marketing and Production.

Finance Director Kari Kortz reported on the status of the 2008 budget. She said her and the administrator have met with the majority of department heads and county officials; and noted loss and changes in some of the grants will have an effect on the budget. She said in the next month finalizing outside entities will be done, and department heads will have a final review before presentation to the Board. Ms. Kortz said tentative plans include the adoption of the salary and wage resolution at the October 23<sup>rd</sup> meeting.

**OLD BUSINESS**

Administrator Overton presented Resolution 07-019 Imposing a Recycling Surcharge of up to \$24 per year per household. He said in 2002 the prosecutor's office, serving as county's legal counsel, issued a legal opinion stating that a recycling surcharge could not legally be placed on a property tax bill and could not be a lien on the property if it were. The prosecutor has reiterated this opinion in a legal opinion dated September 24, 2007. The county's current legal counsel, Bryan Graham, in 2006, issued a legal opinion that the county could enter into local agreements for recycling with the townships, place the fee on the tax bill and it could become a lien on the property. This matter was taken off the agenda for the last meeting as a result of the conflicting opinions. Mr. Graham said his main responsibility is to provide legal advice to the board so the board can implement in a legal way what its desires are. He said he stands by his legal research on this matter, however, if the county goes ahead with the recycling plan as it has proposed it will face a legal challenge from the prosecutor. That means legal arguments would be decided by the circuit judge and could be appealed to the Court of Appeals and most likely that would not occur until sometime in 2009. The recycling program would not begin then until 2010, a two year delay. Mr. Graham said other alternates to reduce or eliminate the delay would be to revise the intergovernmental agreement between the county and townships so the county would run the recycling program, funded by the townships pursuant to a township ordinance to establish a fee to be collected on the property tax bill under the township ordinance authority; another alternative would be to raise the surcharge to \$25.01, which then would require a countywide vote, and if approved the statute itself is clear it would be mandatory charge and could go on the tax bill. He said the first alternative would allow the program to begin in 2008; the second alternative would delay the beginning of the program to 2009. Lengthy discussion was held. Robert Heilman, the chair of the recycling committee, and Chuck Maziasz, Aloha Township Supervisor, both voiced opinions that the Board should move ahead on recycling. Mr. Graham said the intergovernmental agreements could include potential costs be covered or reimbursed by the county. Commissioner Wallace was concerned with a violation of ethics on the part of the prosecutor's office.

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

**Resolution No. 07- 019  
IMPOSING A RECYCLING SURCHARGE OF UP TO  
\$24 PER YEAR PER HOUSEHOLD**

**Recitals**

- A. Cheboygan County has adopted a Solid Waste Management Plan, as required under Part 115 of the Natural Resources and Environmental Protection Act of 1994, being Act 451 of the Public Acts of 1994, as amended.
- B. A component of the Solid Waste Management Plan is the County's Recycling Program, which encompasses waste reduction and collection of consumer source separated services and related educational programs.
- C. Section 8a(1) of the Urban Cooperation Act of 1967, being MCL 124.508a(1), authorizes the Cheboygan County Board of Commissioners to impose by resolution a surcharge on households within the county of not more than \$2.00 per month or \$25.00 per year per household for waste reduction programs and for the collection of consumer source separated materials for recycling or composting including, but not limited to, recyclable materials, as defined in Part 115 of the Natural Resources and Environmental Protection Act, being MCL 324.11501 to 324.11550, household hazardous wastes, tires, batteries, and yard clippings.
- D. Section 8a(3) of the Urban Cooperation Act of 1967, being MCL 124.508a(3), provides that Cheboygan County shall defer the imposition and collection of the surcharge until the County has entered into interlocal agreements with the local units of government within the county relating to the collection and disposition of the surcharge.
- E. As of the date of the adoption of this Resolution, the following local units of government within Cheboygan County have agreed to enter into interlocal agreements with Cheboygan County relating to the collection and disposition of the surcharge: City of Cheboygan, Beaugrand Township, Inverness Township, Hebron Township, Burt Township, Waverly Township, Ellis Township, Mullett Township, Mentor Township, and Munro Township.

**Committee of the Whole Meeting – September 25, 2007**

- F. The Cheboygan County Board of Commissioners hereby declares that a sufficient number of local units of government have agreed to enter into interlocal agreements with Cheboygan County to make the recycling program economically feasible.
- G. The Cheboygan County Board of Commissioners therefore desires to impose an annual surcharge of up to \$24.00 on each household within the local units of government within the county that either have as of the date of this Resolution entered into, or will enter into before November 1, 2007 interlocal agreements with Cheboygan County relating to the collection and disposition of the surcharge as authorized by Section 8a(1) of the Urban Cooperation Act of 1967.
- H. The Cheboygan County Board of Commissioners also desires to reimburse the local units of government that either have as of the date of this Resolution entered into, or will enter into before November 1, 2007 interlocal agreements for the administrative expenses incurred in assessing and collecting the surcharge.
- I. Finally, the Cheboygan County Board of Commissioners desires to approve the interlocal agreements with the local units of government and to authorize the board chair to sign those agreements on behalf of Cheboygan County.

**Resolution**

**NOW, THEREFORE, BE IT RESOLVED** that the Cheboygan County Board of Commissioners hereby:

- 1. Imposes an annual surcharge of up to \$24.00 on each household within the local units of government within the county that either have as of the date of this Resolution entered into, or will enter into before November 1, 2007 interlocal agreements with Cheboygan County relating to the collection and disposition of the surcharge as authorized by Section 8a(1) of the Urban Cooperation Act of 1967. As of the date of this Resolution the local units of government within Cheboygan County listed above have entered into interlocal agreements with Cheboygan County relating to the collection and disposition of the surcharge.
- 2. The surcharge imposed pursuant to this Resolution shall be for a period of five (5) years, 2008 through 2012, inclusive.
- 3. For the purpose of imposing the surcharge specified above, a household shall be defined as follows:
  - A household shall mean a mobile home and a single unit building or portion thereof, including but not limited to a house, apartment, and condominium unit, which provides complete independent living facilities (permanent provisions for living, sleeping, eating, cooking and sanitation) for one (1) family for residential purposes and which is occupied for residential purposes at any time during the year.
- 4. Cheboygan County shall reimburse the local units of government that either have as of the date of this Resolution entered into, or will enter into before November 1, 2007 interlocal agreements with Cheboygan County twenty-five cents (\$.25) per parcel for 2008 and ten cents (\$.10) per parcel annually thereafter for the administrative expenses incurred in assessing and collecting the surcharge.
- 5. The interlocal agreements between Cheboygan County and the local units of government within the county listed above are hereby approved and the chair of the Cheboygan County Board of Commissioners is hereby authorized to sign the agreements on behalf of Cheboygan County.

Discussion held, Commissioner Page said the easy fix recommended by civil counsel should be considered as this would reduce the risk of litigation and the surcharge could be made mandatory by the township ordinances and revised intergovernmental agreements. Civil Counselor Graham said there are no guarantees of success in litigation. Both Administrator Overton and Civil Counsel Graham favored revising the intergovernmental agreements with the townships to avoid or reduce legal risks. Chairperson Socha said this would shift the responsibility from the county to the townships and is a deviation of what was voted on. A roll call vote was taken. Motion carried with 5 yes, 2 no (Commissioners Page and Bolinger), and 0 absent.

Administrator Overton explained that in order for Cheboygan Memorial Hospital to move forward on refinancing of certain existing indebtedness through the issuance of economic development revenue bonds by the Cheboygan County Economic Development Corporation, the following two resolutions

**Committee of the Whole Meeting – September 25, 2007**

approving the project area and project district area and making two special, temporary appointments to the EDC are to be adopted by the Board of County Commissioners.

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

**RESOLUTION 07-021  
APPROVING PROJECT AREA  
AND PROJECT DISTRICT AREA  
(CHEBOYGAN MEMORIAL HOSPITAL PROJECT)**

**WHEREAS** there exists in the County of Cheboygan the need for projects to alleviate and prevent conditions of unemployment, to assist and retain local industrial and commercial enterprises in order to strengthen and revitalize the County's economy and to encourage the location and expansion of such enterprises to provide needed services and facilities to the County and its residents; and

**WHEREAS** the Economic Development Corporations Act, Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act") provides a means for the encouragement of such projects in this County through the County's Economic Development Corporation (the "EDC"); and

**WHEREAS** the EDC has commenced proceedings under the Act for the benefit of such a project (Cheboygan Memorial Hospital Project) and has designated to this Board of Commissioners a Project Area and Project District Area for its approval;

**NOW THEREFORE BE IT RESOLVED** that the Cheboygan County Board of Commissioners hereby certifies and approves the Project Area as designated by the EDC; and

**BE IT FURTHER RESOLVED** that, it having been determined that the territory surrounding said designated Project Area will not be significantly affected by the Project because the surrounding territory is devoted to commercial/industrial uses, a Project District Area having the same description as and boundaries coterminous with the Project Area herein certified as approved be hereby established; and

**BE IT FURTHER RESOLVED** that, it having been determined that there are less than eighteen residents, real property owners, or representatives of establishments located within the Project District Area and no zoning change has been requested, a Project Citizens District Council shall not be formed pursuant to Section 20(b) of the Act; and

**BE IT FURTHER RESOLVED** that the County Clerk is hereby directed to provide four certified copies of this resolution to the Secretary of the Board of the EDC.

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

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

**RESOLUTION 07-022  
CONFIRMING APPOINTMENT OF  
ADDITIONAL EDC DIRECTORS  
(CHEBOYGAN MEMORIAL HOSPITAL PROJECT)**

**WHEREAS** this Board of Commissioners has received a resolution from the Board of Directors of The Economic Development Corporation of the County of Cheboygan designating a Project Area and Project District Area for a project (Cheboygan Memorial Hospital Project) under the Economic Development Corporations Act, Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act"); and

**WHEREAS** it is necessary to confirm the appointment by the County Executive of the County of Cheboygan of two additional directors to the Board of said Economic Development Corporation in connection with said Project, in accordance with Section 4(2) of the Act;

**Committee of the Whole Meeting – September 25, 2007**

**NOW THEREFORE BE IT RESOLVED** that the Cheboygan County Board of Commissioners approves the appointments of James Gilbert and Mike VanFleet, who are representative of neighborhood residents and business interests likely to be affected by said Project, to the Board of Directors of The Economic Development Corporation of the County of Cheboygan are hereby confirmed in accordance with Section 4(2) of the Act, and such additional Directors shall cease to serve when the Project is either abandoned or, if undertaken, is completed in accordance with the Project Plan therefore; and

**BE IT FURTHER RESOLVED** that all resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict; and

**BE IT FURTHER RESOLVED** that the County Clerk is hereby directed to provide four certified copies of this resolution to the Secretary of the Board of the Economic Development Corporation.

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

**BOARD MATTERS FOR DISCUSSION**

Mac McClelland of Otwell Mawby presented a power point presentation on the creation of a Cheboygan County Brownfield Redevelopment Authority. Mr. McClelland stated that Brownfield incentives can help spur redevelopment of underutilized properties and stimulate private investments, accessing the incentives requires incredible effort and cooperation by local and state governments and private developers. The overview included eligible property, baseline environmental assessments, compliance activities and additional response activities, an explanation of Brownfield tax increment financing and examples of redevelopment. Mr. McClelland said the lead time to put together incentives is substantial and most successful projects mix numerous grants and loans and other financial incentives; and outlined the Brownfield project approval process. He said the next step in establishing a County Brownfield Redevelopment Authority would be adoption of a resolution of intent, following by notice to taxing jurisdictions, a public hearing and adoption of an establishment resolution.

**CITIZENS COMMENTS** – None

**BOARD MEMBER COMMENTS**

Commissioner Mushlock asked to be excused from the October 9, 2007 Finance/Business meeting. Chairperson Socha said she too may not be able to attend that meeting. Administrator Overton he also will be absent for the October 9, 2007 meeting.

Chairperson Socha said the change in road commission members would be addressed in time for the 2008 elections.

Commissioner Wallace said there would be a tour of the Emmet County Recycling Facility tomorrow.

Chairperson Socha said she has two NACO booklets, one on wetlands and one on water control if anyone is interested at looking at them before she gives them to the Community Development Director. Extra copies of Northeast Michigan Creating the 21<sup>st</sup> Century Workforce: Developing Coordinated Regional Strategies will be ordered from Northeast Michigan Consortium.

Commissioner Page reported the Humane Society raised \$12,600 from their annual garage sale. He also reported attending the Cheboygan County Council on Aging meeting. He advised that in 2009 all digital TV broadcasting may be a problem for those without digital TV's. He also warned of the internet scam regarding the IRS that has been going around. He said the CCOA is very concerned that the State may cut MI Choice Programming for Seniors and Handicapped.

**Committee of the Whole Meeting – September 25, 2007**

**Motion** by Commissioner Makima, seconded by Commissioner Redmond, to adjourn. Meeting adjourned at 12:05 p.m.

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Mary Ellen Tryban  
Cheboygan County Clerk/Register

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Linda Socha  
Chairperson