

Commissioner Minutes of April 14, 2009

The Gladwin County Board of Commissioners met in Regular Session April 14, 2009. The meeting was called to order at 9:00 a.m. by Chairman Whittington. The Pledge of Allegiance was recited. Roll call found all Commissioners present except Commissioner Carl who was excused to be on vacation the month of April.

Agenda – There were no corrections or additions to the agenda.

The **Regular Board minutes March 24, 2009** were then considered. *Motion by Commissioner Rhode, supported by Commissioner Walters, to approve the minutes as presented. Ayes carried, motion passed.*

The **semi-monthly Finance report totaling \$147,903.65** was then considered for payment. *Motion by Commissioner Rhode, supported by Commissioner Walters, to approve the bills for payment as presented. Ayes carried, motion passed.*

Public Comments:

Mike Drey, Publisher – Gladwin County Record, produced and read a letter of concern to the Board involving the issue of lawsuits initiated by the Board of Commissioners against Sheriff Department employees. Mr. Drey declared that the Board has spent an unwarranted amount of money and believes that they have violated rules and procedures of the open meetings act.

Commissioner Smith then stated the following motion: “To maintain fiduciary responsibility of the Gladwin County Board of Commissioners to the citizens of Gladwin County, let it be moved that the lawsuit naming Sheriff Michael Shea #07-3670-CZ and consolidated with case #08-3967-CZ be dropped effective today.” Motion supported by Commissioner Posey. Discussion. Commissioner Reid noted that the direction of the lawsuit has veered from its original direction, and that he believes this matter should be referred to the Public Safety committee for consideration. Commissioner Reid also feels that there needs to be better discussion noted in the committee and board meetings for reference. **Roll call vote as follows:** Walters – yes, Carl – excused, Rhode – no, Reid – yes, Posey – yes, Smith – yes, Whittington – no. 4 yes, 2 no, 1 excused. **Motion passed.** Commissioner Reid commented that he believes their attorney has “dropped the ball” on this case and has not kept in close contact with the Board to let them know what was going on. Commissioner Whittington noted that he will notify the Board’s attorney that the Board has taken action to dismiss the case involving Sheriff Shea, Undersheriff Hartwell, and Lawrence Eaton.

The Board then considered several resolutions from different counties. Discussion. No action was taken on any of the review resolutions at this time.

Commissioner Rhode then offered the resolution in support of for East Central Michigan Planning and Development Regional Commission. Commissioner Rhode described their request for a name change to **East Michigan Council of Governments**. *Motion by Commissioner Rhode, supported by Commissioner Reid, to approve the change of name as requested. Roll call vote as follows: Carl – excused, Rhode – yes, Reid – yes, Posey – yes, Smith – yes, Whittington – yes, Walters – yes. 6 yes, 1 excused. Ayes carried, resolution 2009-010 declared adopted.*

*Rick Massengill, Affiliations Coordinator, United Steelworkers, then came before the Board to offer a resolution on the **spending of Federal Economic Renewal Grants**. Mr. Massengill stated the purpose of this resolution is "Make America Work" understanding that Counties provide and purchase products manufactured in the United States. Discussion. *Motion by Commissioner Posey, supported by Commissioner Walters, to approve the resolution as presented.* Roll call vote as follows: Rhode – yes, Reid – yes, Posey – yes, Smith – yes, Whittington – yes, Walters – yes, Carl – excused. 6 yes, 1 excused. **Resolution 2009-011 declared adopted.***

Correspondence from the Chairman –

- Letter dated 3-19-09 from MMRMA
- Invitation to the 4th of July parade in Albright Shores
- On a photo received by Amanda Lowrey, Gladwin High School, food donation.
- ON attending the 911 meeting, noting that they did not have a quorum and that the next meeting would be April 30th.
- On the copy of the letter sent to the Townships by the Road Commission.
- On the letter received from CMDA in regards to the Griffin case.
- On an invitation from Region VII to attend their annual meeting.
- On the Broker Price Opinions done by Remax and Red Carpet Keim on the Gladwin Manufacturing building that the County owns.

Chairman Whittington then offered three individuals be appointed to the EDC Board all with the expiration date of 12-31-2012. Henry Miller, Dick Laur, and Harmony Nowlin. The Board consented.

*Paul Cronstrom, Michigan Association of Community Mental Health, came before the Board with the **2008 Annual Report**. Mr. Cronstrom went through the revenue collected by Gladwin County as an appropriation, and the service costs they put back into Gladwin County. Discussion on jail services and Medicare funds. Commissioner Rhode and Sheriff Shea both noted the great service that is provided by Mental Health.*

Chairman Whittington then asked the Board's position on **waiving the permit fees for the addition to the Community Arena in Beaverton**. Justin Schneider, Building Official stated that the fees would only be approximately \$150.00, but cautioned the Board that his department is under revenue and each fee is beneficial to the department being self supportive. Commissioner Reid noted concern on requests from the past, but the need to fund the department. *Motion by Commissioner Smith, supported by Commissioner Walters, to not waive the fee as requested.* Ayes carried, **motion passed.**

Chairman Whittington then asked the Board their thoughts on posting the Gladwin County **Master Plan** on the County's website. Discussion. *Commissioner Reid requested that this matter be sent to the Zoning Board for their recommendation. Commissioner Posey supported the idea. Matter to be sent to the Zoning Board for their consideration.*

*Sandra Walling, Zoning Administrator, then came before the Board with a **resolution for a rezoning request in Grout Township**. Discussion. *Motion by Commissioner Smith, supported by Commissioner Reid, to adopt the resolution as presented.* Roll call vote as follows: Reid – yes, Posey – yes, Smith – yes, Whittington – yes, Walters – yes, Carl – excused, Rhode – yes. 6 yes, 1 excused. Ayes carried, **resolution 2009-012 declared adopted.***

Bob Duby, Emergency Management Director, came before the Board to brief them on the **grants that he had applied for and received**. Internet service for the EOC center - \$3,940.00. \$15,197.00 for the Billings dive team. The Gladwin County 800 MHz radio project - \$17,986.00. The Gladwin County South tower project and the update to the North tower - \$126,856.00. The narrow band radio project of \$149,561.00 was also approved, noting that all law enforcement agencies were included along with the Animal Control and bus garages. Mr. Duby commented that Gladwin County would be the first county in the state to be compliant with the narrow band radios before the 2011 deadline. Discussion. Mr. Duby then commented on the "Air Trailer" that is available for viewing today in the parking lot, noting that this trailer is a huge benefit to many as a refill station and can be taken to any scene for use. Discussion on Sheriff Department equipment received.

The Board then recessed at 10:02 a.m.

Chairman Whittington called the meeting back to order at 10:20 a.m.

Committee Reports –

Commissioner Smith reported:

- On attending the Finance meeting on the 17th.
- On attending the Library meeting on the 24th, noting that the Friends of the Library would be holding a book sale May 14-16 and are accepting books as donations.
- On attending the Insurance meeting on the 27th.
- On attending the Committee of the Whole meeting on the 1st.
- On the evening of April 1st attending the Community Conversation held in Beaverton – "Michigan Defining Moment Influencing the Outcome of 2010 Elections". Commissioner Smith noted there have been over 200 meetings held across the State of Michigan, commenting that they are very interesting and well worth attending if you get the chance.
- On attending the Data meeting on the 7th.
- On attending the Finance meeting on the 10th.
- On attending the Tobacco Township meeting on the 13th.

Commissioner Smith then urged all to attend the MMCC production of "Blyth Spirit" this week, and the "Northern Tradition" event held this Sunday at Jay's Sporting Goods in Clare.

Commissioner Walters reported:

- On attending the Mental Health meeting on the 31st.
- On attending the Sage Township Annual meeting on the 28th, noting good attendance.
- On attending the Sage Township meeting on the 7th, noting ORV conversation and correspondence sent to the Road Commission.

Commissioner Walters then thanked Bob Duby for all of his work on the grant application and awards, noting that he has done a great job bringing money into the community.

Commissioner Posey reported:

- On attending the Insurance meeting on the 26th.
- On the Committee of the Whole meeting on the 1st.

- On attending the quarterly Gypsy Moth meeting on the 6th, commenting on the spray program and the work done with other counties to save on costs.
- On attending the Beaverton Township meeting, noting that it was very quick and business as usual.
- On the Data meeting on the 7th. Areas of interest include-
Bob Frei presented his monthly report and will be working on copier/fax machine master plan for disbursement.

Troy Rabidue came before the committee to let them know the LEIN audit has been completed and the County did well. Each department will be responsible to train their own LEIN tack officer. A cabinet is needed to secure the AS400 equipment located in the Clerk's Office, and Probate Court has submitted an updated LEIN agreement to the State.

The Data committee received and reviewed the questionnaires that were sent to the departments for response to IT activities. The committee will be addressing the issues, and stated the majority of the departments feel that Mr. Frei needs assistance.

Commissioner Reid reported:

- On attending a litigation hearing in Kalamazoo on the 24th where Gladwin County was dropped from the case. Commissioner Reid thanked the Sheriff for attending with him, noting that he found it new and interesting.
- On attending the Personnel meeting on the 3rd.
- On attending the EDC meeting on the 8th where GIS, township involvement, and ORV were discussed. Commissioner Reid commented that he is working with Mike Smith, Owner – Cedar Avenue Inn, and other property owners to make an *ORV trail system from Cedar Avenue Inn to Easton Road*. Discussion. Motion by Commissioner Smith, supported by Commissioner Walters, to allow Commissioner Reid to continue his study to ORV networking, pending all parties involved agree. Ayes carried, **motion passed**.

Commissioner Reid then commented that he is working with Bob Moffitt, Gladwin City Administrator, and John Fink on bringing an "Iditarod" to Gladwin County. Commissioner Reid noted that he will work with Sheriff Shea on temporary road closures and the DNR on using a few of their roads.

- On attending the Airport meeting on the 9th. Areas of discussion were the ceiling, fuel farms, and general maintenance issues.
- On attending the Hay township meeting on the 9th, noting that ORV was discussed.

Commissioner Reid then noted that Public Safety and Building and Grounds would be meeting tomorrow. Public Safety would be addressing the ORV concerns of the residents. The Building and Grounds committee will be discussing the stimulus package and proposed improvements for Gladwin County. Commissioner Reid commented that the Governor has been overwhelmed with the amount of grants that were submitted, and Gladwin County has not heard if they will be receiving any of the awards at this time.

Christy VanTiem, County Treasurer, spoke on the Gladwin Manufacturing building that is being held by the County. The Treasurer has begun the foreclosure process on the building; taking it through to the first auction. Ms. VanTiem will be speaking with the Board on other options for

the building before it moves into the second auction process. The Treasurer then commented that the Chappel Dam bond was going out for rates today, and that Standard and Poors had given the County and "A" rate with a stable outlook, that was up from a B+++.

Commissioner Reid then questioned what direction the Board is going to take the lawsuit and if it should be referred to committee. Discussion. Commissioners Reid and Posey stated that they have concerns any time they now need to go into executive session. Chairman Whittington noted the issue would stay in the personnel committee so that a recommendation could be made to the Board for their consideration. Discussion. *Motion by Commissioner Smith, supported by Commissioner Reid, to go into executive session so that Chairman Whittington can quote what the Attorney has said to him in regards to direction of the lawsuit. Ayes carried, motion passed. Posey and Rhode voting no.*

Executive Session

Motion by Commissioner Walters, supported by Commissioner Posey, to return to regular session. Ayes carried, motion passed.

Commissioner Rhode reported:

- On attending the Central Michigan Health Department meeting on the 25th.
- On the Insurance committee meeting on the 26th.
- On the Emergency Management meeting on the 30th.
- On attending the Committee of the Whole meeting on the 1st, and the Central Michigan Health Finance meeting the same day.
- On attending the Finance and Personnel meetings on the 3rd. Ray Hartwell noted to the committee his concerns with the Non-Union Benefits Manual not fitting each situation, and that a contract needs to be put together and negotiated for each position. Undersheriff Hartwell also discussed his 2009 wage with the Board for their consideration.
- On attending the Gladwin City Counsel meeting on the 6th, commenting that the new water system was discussed and additional fees to the residents.
- On the EDC meeting held on the 8th.
- On attending the Land Bank meeting.
- On the Finance meeting on the 10th.

Finance Matters

1. County Clerk, Laura Brandon, has requested that the 14 personal hours donated to her employee be reconsidered. The Committee is making the recommendation to **reverse the hours from Ms. Brandon's employee and a loss to the donating employee.** *Motion by Commissioner Rhode, supported by Commissioner Walters, to approve the request of the Clerk and to amend the hours for Payroll purposes. Ayes carried, motion passed.*
2. The yearly maintenance **contract with InterAct is up for renewal (911 systems).** Cost of **\$12,364.00 to be paid from 282-000-933.000** upon approval. *Motion by Commissioner Rhode, supported by Commissioner Posey, to approve the contract renewal as requested. Ayes carried, motion passed.*
3. The Undersheriff has requested the below **transfers to accommodate the wages of the 2009 Sergeant line:**

101-303-703.000

\$10,000

101-301-756.000		\$15,000
101-303-720.000		\$12,000
101-301-706.005		\$5744.00
101-301-706.000	\$42,744.00	

Motion by Commissioner Rhode, supported by Commissioner Walters, to approve the budget amendment as requested. Ayes carried, motion passed.

4. Sue Walker, Sheriff Sec retary, has requested that **\$1,098.53 be transferred from the 264 fund to the General fund** as follows:

From 264-000-804.000	\$1098.53	to	101-351-704.000	\$1020.47
		and to	101-351-720.000	\$78.07

These costs are transferred annually to reimburse the General Fund for approved overtime costs for certain trainings. *Motion by Commissioner Rhode, supported by Commissioner Reid to approve the transfers as requested. Ayes carried, motion passed.*

5. *Jail Administrator, Justin Eastman*, has requested that an employee be **reimbursed for damaged eyeglasses** ruined during an altercation with an inmate in the jail. Cost of the frames is \$125.00 and can be taken from 101-351-933.000 once approved. *Motion by Commissioner Rhode, supported by Commissioner Smith, to approve the reimbursement as requested. Ayes carried, motion passed.*

6. **Budget amendments are needed in the following funds: 369, 231 and 101** for the following:

Decrease appropriation line to 231 from \$260,659.00 to \$155,365.00.
 Appropriations line 369-000-999.101 needs a budget of \$100,000.00.

Motion by Commissioner Rhode, supported by Commissioner Reid, to approve the budget amendments as outlined. Ayes carried, motion passed.

Public Comments:

Sheriff Mike Shea approached the Board in regards to the April 10, 2009 *communications he sent in response to the lawsuit*. Shea commented on the Board's action taken today and the need to have a written dismissal within 28 days so that he does not have to make an answer to the case at an additional expense.

Laura Brandon, County Clerk, commented on the **preparation of minutes** and the need for the Board to understand that the minutes are not a "transcript" only a synopsis of what occurred at the meetings, noting start time, end time, resolutions, and motions. The Clerk commented that exact wording and "general chit-chat" is not always necessary to include in the minutes if it is not relevant to a motion or resolution. Ms. Brandon believes any grammatical errors, or wording mistakes within motions, are areas of concern. Commissioner Smith noted that Board members could possibly state "let the minutes reflect" if it is something that they would like included within the minutes. Ms. Brandon then reminded the Board that general discussion also does not constitute a motion, and that motion wording must be stated by the moving party.

Christy VanTiem, County Treasurer, then asked if there was a way she could receive committee minutes and the Finance matters report before each Board meeting. It was decided that a copy of those items could be emailed to the Treasurer each week.

Commissioner Walters asked the Sheriff if he was moving forward with the CHRP grant. Sheriff Shea commented that they were.

Commissioner Smith stated on behalf of the Board that thanks should be extended to Sheriff Shea and Commissioner Reid for resolving the lawsuit in regards to the Griffin case, noting that the Board's attorney had written a letter commending their activity in the case.

*Motion by Commissioner Posey, supported by Commissioner Smith, to receive and file various reports. Ayes carried, **motion passed.***

*Motion by Commissioner Reid, supported by Commissioner Posey, to adjourn. Ayes carried, **motion passed.** Meeting adjourned at 11:25 a.m. until April 28, 2009 at 9:00 a.m. unless otherwise ordered.*



Laura Brandon
County Clerk



Terry Whittington
Chairman

Resolution of Support

WHEREAS, the East Central Michigan Planning and Development Regional Commission, was established in 1969 by the U. S. Department of Commerce, Economic Development Administration as a regional economic development district (Economic Development District) and in 1972 as a federal, state and local government designated regional planning and development agency/commission under the Regional Planning Act 281 of 1945, and;

WHEREAS, the Governor of the State of Michigan, through an executive directive, has designated the following counties as part of the region: Arenac, Bay, Clare, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Ogemaw, Roscommon, Saginaw, Sanilac, Tuscola and the Saginaw Chippewa Indian Tribe, and;

WHEREAS, the East Central Michigan Planning and Development Regional Commission is involved in a number of programs, services and activities, an important component of which is economic development, and;

WHEREAS, during the past 39 years of the East Central Michigan Planning and Development Regional Commission's existence, the commonality of interests amongst local communities has changed with new partnerships and relationships being forged. The Commission has recognized the need for a different organizational structure to move forward in providing additional and more flexible services for local governments and other critical constituencies, and;

WHEREAS, the council of governments type of regional planning and development agency with membership open to all cities, townships, villages, counties, school districts, intermediate school districts, special authorities, community colleges, or any other legally constituted governing body responsible for the exercise of governmental functions within a political subdivision of the established area would address this need for flexibility, and;

WHEREAS, the Chairperson of the Commission was empowered to establish a committee to design a new set of ByLaws, and;

WHEREAS, the Committee was appointed and designed ByLaws for reorganization as a Council of Governments, and;

NOW THEREFORE BE IT RESOLVED, that the Full Commission of the East Central Michigan Planning and Development Regional Commission (ECMPDRC) does hereby transfer its activities, functions, programs, staff, monies, properties and any other liabilities or assets to a regional council of government hereafter created as the **East Michigan Council of Governments**

(EMCOG)¹ and that the Council Chairperson be authorized to send a letter, along with this approved resolution, to all cities, townships, villages, counties, school districts, intermediate school districts, special authorities, community colleges, or any other legally constituted governing body responsible for the exercise of governmental functions within a political subdivision of the established area, inviting them to be members, if not already a member, and requesting approval of the ByLaws as rewritten.

"Moved by RHODE, seconded by REID that the Gladwin County Board of Commissioners does hereby concur with all recommended changes as approved by the East Central Michigan Planning & Development Regional Commission at its March 13, 2009 Full Board meeting relative to the official transfer of all activities, programs etc., per Michigan Act 281 of 1945, as amended to the East Michigan Council of Governments and the proposed By Law changes attesting to and formalizing said changes. Motion carried.

Presented this the 14 day of April 2009

Adopted this the 14 day of April 2009

Certified this 15 day of April 2009



TERRY WHITTINGTON, CHAIRMAN

GLADWIN COUNTY BOARD OF COMMISSIONERS



LAURA BRANDON, GLADWIN COUNTY CLERK

¹ Michigan Regional Planning Act 281 of 1945, as amended

2009 Resolution on the Spending of
Federal Economic Renewal Grants to
County of Gladwin

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services, and

WHEREAS, Congress and President Obama are planning a taxpayer sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components, and

WHEREAS, our taxpayer dollars should be spend to maximize the creation of American jobs and restoring the economic vitality of our communities, and

WHEREAS, any domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families will help stabilize our greater economy, and

WHEREAS, any economic recovery plan spending should - to every extent possible – include a commitment from the County of Gladwin to buy materials, goods, and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place.

THEREFORE,

BE IT RESOLVED THAT, we the undersigned will work to maximize the creation of American jobs and restoring economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed.

BE IT FURTHER RESOLVED THAT, we commit to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to the County of Gladwin by the American taxpayers,
AND

BE IT FURTHER RESOLVED THAT, as legislators of the County of Gladwin, we commit to publish any requests to waive these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program.

The forgoing resolution was offered by Commissioner Smith, supported by Commissioner Reid. Upon roll call vote six voted "aye", zero voted "nay" and one recorded as absent.

I, Laura Brandon, the duly elected and acting Clerk of Gladwin County, hereby certify that the forgoing resolution 2009-011 was adopted by the Gladwin County Board of Commissioners at a regular meeting of said Board held on April 14, 2009, at which meeting a quorum was present, by roll call of said members as hereinbefore set forth; and that said resolution was ordered April 14, 2009


Laura Brandon, County Clerk

RESOLUTION 2009-012
GLADWIN COUNTY ZONING ORDINANCE REVISION

WHEREAS, Public Act 110 of 2006, being MCLA 125.3101 through 125.3702 as amended, enables a county board of commissioners to adopt a county zoning ordinance to regulate the use of land, and

WHEREAS, Gladwin County adopted a county zoning ordinance pursuant to Public Act 110 of 2006, and such zoning ordinance becoming effective on February 1, 2008, and

WHEREAS, the Gladwin County Planning Commission reviewed zoning districts boundaries established by the zoning ordinance and has initiated a revision to change specific boundaries to allow new business uses in certain areas, and

WHEREAS, required notices were published in the *Gladwin County Record*, first class mailings were completed, a public hearing was held by the Gladwin County Planning Commission, and the Planning Commission has presented a summary of the comments received at the public hearing along with its recommendation for revision to the Gladwin County Board of Commissioners,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Gladwin County Board of Commissioners approves the recommended revision to the Gladwin County Zoning Ordinance as follows:

Revise zoning district from Residential-Farming, (R-F) District to Business 1, (B-1) property in the following location: Gladwin Township, Section 36, part of the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, address of 821 N. M-30, 200 feet west from M-30 right-of-way.

The foregoing resolution was offered by Commissioner Smith, supported by Commissioner Reid. Upon roll call vote, the following voted "aye":
absent: 6 "nay": 0

The Chairperson declared the resolution adopted.

Laura Brandon
Clerk, Laura Brandon

I, Laura Brandon, the duly elected and acting Clerk of Gladwin County, hereby certify that the foregoing resolution, 2009-012 was adopted by the Gladwin County Board of Commissioners at a regular meeting of said Board held on April 14, 2009, at which meeting a quorum was present, by roll call vote of said members as hereinbefore set forth; and that said resolution was ordered to take effect April 15, 2009.

Laura Brandon
Clerk, Laura Brandon