

THE BENZIE COUNTY BOARD OF COMMISSIONERS
November 14, 2016

The Benzie County Board of Commissioners met in a special meeting on Monday, November 14, 2016, 448 Court Place, Government Center, Beulah, Michigan.

The meeting was called to order by Chairman Roger Griner at 9:00 a.m.

Present were: Commissioners Bates, Carland, Griner, Sauer, Tucker and Walterhouse
Excused: Commissioner Warsecke

The invocation was given by Commissioner Griner followed by the pledge of allegiance.

Agenda:

Motion by Walterhouse, seconded by Sauer, to approve the agenda as presented. Ayes: Bates, Carland, Griner, Sauer, Tucker and Walterhouse Nays: None Exc: Warsecke Motion carried.

Minutes:

Motion by Sauer, seconded by Walterhouse, to approve the regular session minutes of October 25, 2016 as presented. Ayes: Bates, Carland, Griner, Sauer, Tucker and Walterhouse Nays: None Exc: Warsecke Motion carried.

9:03 a.m. Public Input

Steve Stevens, Crystal Drive, expresses his extreme displeasure with this board and demands that you replace the roof on the Maples immediately.

Dick Hug, Joyfield Twp, spoke regarding the spray retardant retro-fit; you need to move along with a new roof.

Signe Rudde, Crystal Lake Twp, she may need to put her parents in a facility in the future – put a new roof on.

Carolyn Lalas, Frankfort, very disappointed and upset with what is going on with the Maples; it is time to be more responsible and replace the roof right away.

Joanne Walrad, Beulah, states that her sister died waiting for her room at the Maples; we demand a new compliant roof be put on by a company other than Comstock Construction.

Myra Elias, Frankfort, pay now or pay more later – do the right thing and replace the roof now.

LuAnn Elwell – 1) resist taking the band aide approach waiver; 2) dismantle existing structure; 3) seek remedy from the original contractor and architect; and 4) all of this begins immediately.

Thelma Rider Novak, when this was voted on, there were 3,095 No votes and 4,056 Yes votes for the Maples; you have let two people make the decision for the county to keep this faulty roof and we now have over 600 signatures; if you can't come up with a number to replace the roof, get off the board and let someone get on it that will have the spine.

Jim Evans, Joyfield Twp, says congratulations to all that ran for office and that were elected or re-elected; there is legislation out there SB 437 and 438 regarding increasing renewable energy standard by 5%; also effects the choice program that was adopted back in 2000.

9:15 a.m. Public Input Closed

ELECTED OFFICIALS & DEPT HEAD COMMENTS:

Doug Durand, Benzie Senior Resources, provided a written report and stated that the snow removal program is moving along with people signing up; six area churches are partner with them to prepare Christmas bags – goal is 200 clients to receive these bags; the integration of both agencies is moving ahead; took a webinar regarding HIPPA security updates.

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David Schaffer, Recycling, stated that all is going well; will be in Grand Rapids on December 6 for a meeting regarding state laws; Recently learned of another DEQ scrap tire clean-up grant which has a deadline of December 9 – requests this board to approve application for same, which is a full funded state grant with no local match.

Motion by Sauer, seconded by Walterhouse, to authorize David Schaffer to apply to the DEQ for a scrap tire grant, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer, Tucker and Walterhouse Nays: None Exc: Warsecke Motion carried.

Bob Roelofs, Veterans Affairs, says thank you to the board for their continued support for this program; you need to look at the good stuff in this county as well as the bad – no one has mentioned anything good today.

Kyle Maurer, Animal Control Officer, says the Bissell adoption event was good; they adopted 11 cats and 2 dogs with 100% of the fee covered; provided the October 2016 report.

Emergency Management: Motion by Carland, seconded by Walterhouse, to authorize the com van deployment to Manistee County on December 3, 2016 as requested. Ayes: Bates, Carland, Griner, Sauer, Tucker and Walterhouse Nays: None Exc: Warsecke Motion carried.

COMMISSIONER REPORTS

Comm Carland reported that the Airport has hired an Administrator; he attended the Village of Beulah meeting and the engineering firm gave a presentation regarding the new water tank; December 7 there will be a Connect Michigan presentation regarding the broadband survey at 1:00 p.m. at the Government Center.

Comm Bates stated that Platte Twp meets quarterly, so does not meet again until January; the Lake Twp Clerk is retiring; Almira Fire Dept is holding a spaghetti dinner on November 19 5 – 8 pm at the Village hall; the store on the corner in Lake Ann is closing on November 20 and the building and business is for sale and it does carry a packaged liquor license.

Comm Walterhouse reported that he attended the Homestead Twp meeting.

Comm Tucker says congratulations to Bob, Art and Gary as well.

Comm Sauer stated he has attended two meetings – Joyfield regarding the sign issue is resolved; Blaine – Charlotte Putney, Clerk, retired after 41 years; thank you to Bob Roelofs and the VA committee regarding the memorial.

Comm Griner reported that Veterans' Day was a great day in our community – he started out with a breakfast at Frankfort schools and read a letter from one of the students; April 15, 2015 there was a unanimous vote by the Board of Commissioners that the roof (Maples) be replaced; that was given to the Building Authority for them to follow through on and they chose not to do that. He will ask all Commissioners to give clear understanding of what how they want to proceed with the Maples on December 13.

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Comm Carland also reported that he is AP stringer for election night; every election he is here at the government center phoning in results; he left at 3 a.m. and the County Clerk was here until 5:30 a.m. She does a great job and just wanted her to be recognized for that.

COUNTY ADMINISTRATOR'S REPORT – Mitch Deisch

- Provided a survey regarding the Village of Beulah water tower; there is title work that needs to be cleaned up.
- Two union contracts have been ratified, just need your approval today.
- OMA – in order to reschedule a meeting, it must be discussed at a meeting prior to the change and if you are cancelling the November 22 meeting, then you must discuss it today.

FINANCE

Bills: Motion by Carland, seconded by Walterhouse, to approve payment of the bills from October 21, 2016 to November 14, 2016 in the amount of \$524,169.75, as presented. Roll call. Ayes: Bates, Carland, Griner, Sauer, Tucker and Walterhouse Nays: None Exc: Warsecke Motion carried.

Michelle Thompson, County Treasurer, reported that she provided a couple of graphs.

HR AND PERSONNEL

Consent Calendar: Motion by Bates, seconded by Sauer, to approve HR Consent Calendar items 1 and 2 from the October 25, 2016 meeting.

Comm Sauer reported regarding item 1 restructure of the Planning Commission – he has prepared a letter to be used.

Roll call. Ayes: Bates, Carland, Griner, Sauer, Tucker and Walterhouse Nays: None Exc: Warsecke Motion carried.

COMMITTEE APPOINTMENTS

Brownfield: Motion by Bates, seconded by Sauer to accept the resignation of Bill Merry from the Brownfield Authority as requested. Ayes: Bates, Carland, Griner, Sauer, Tucker and Walterhouse Nays: None Exc: Warsecke Motion carried.

ACTION ITEMS

2% Grant Applications:

Motion by Walterhouse, seconded by Sauer, to authorize grant application to the Grand Traverse Band in the amount of \$14,793.60 as presented, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer, Tucker and Walterhouse Nays: None Exc: Warsecke Motion carried.

Motion by Bates, seconded by Walterhouse, to authorize grant application to the Grand Traverse Band in the amount of \$40,000 as presented, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer, Tucker and Walterhouse Nays: None Exc: Warsecke Motion carried.

Motion by Bates, seconded by Carland, to authorize grant application to the Grand Traverse Band in the amount of \$9,900.00 as presented, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer, Tucker and Walterhouse Nays: None Exc: Warsecke Motion carried.

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Motion by Bates, seconded by Carland, to authorize grant application to the Grand Traverse Band in the amount of \$10,050.00 as presented, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer, Tucker and Walterhouse Nays: None Exc: Warsecke Motion carried.

Motion by Bates, seconded by Carland, to authorize grant application to the Grand Traverse Band in the amount of \$29,660.00 as presented, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer, Tucker and Walterhouse Nays: None Exc: Warsecke Motion carried.

Comm Tucker excused.

Wexford Prisoner Housing Contract: Motion by Bates, seconded by Carland, to approve the contract between Wexford County/Wexford County Sheriff and Benzie County/Benzie County Sheriff for housing Wexford County Prisoners in the Benzie County Jail for the period August 1, 2016 to July 31, 2017, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Tucker and Walterhouse Nays: Sauer Exc: Warsecke Motion carried.

10:00 a.m. Jennifer Berkey, MSU Extension

Motion by Walterhouse, seconded by Bates, to approve the Agreement for Extension Services for the period October 1, 2016 to September 30, 2017 in the amount of \$39,228.00, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer and Walterhouse Nays: None Exc: Tucker and Warsecke Motion carried.

10:05 a.m. Sara Swanson, Prosecuting Attorney

Ms. Swanson introduces the new Canine Advocate Kody. Cody Kastle will be the handler; this dog will be used to assist children that need to testify in court.

POAM Corrections: Motion by Walterhouse, seconded by Bates, to approve the Agreement between Benzie County and POAM Corrections Unit for the period October 1, 2016 to September 30, 2018, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer and Walterhouse Nays: None Exc: Tucker and Warsecke Motion carried.

POAM Dispatch: Motion by Walterhouse, seconded by Bates, to approve the Agreement between Benzie County and POAM Emergency Communication Specialists for the period October 1, 2016 to September 30, 2018, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer and Walterhouse Nays: None Exc: Tucker and Warsecke Motion carried.

Sheriff Vehicle Purchase – 3: Motion by Bates, seconded by Carland, to approve the Governmental Lease – Purchase Agreement for a 2017 Grand Caravan SE in the amount of \$14,790.00, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer and Walterhouse Nays: None Exc: Tucker and Warsecke Motion carried.

Motion by Bates, seconded by Carland, to approve the Governmental Lease – Purchase Agreement for a 2017 Dodge Charger Police AWD in the amount of \$13,602.00, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer and Walterhouse Nays: None Exc: Tucker and Warsecke Motion carried.

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Motion by Bates, seconded by Walterhouse, to approve the Governmental Lease – Purchase Agreement for a 2017 Dodge Journey SXT in the amount of \$12,692.50, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer and Walterhouse Nays: None Exc: Tucker and Warsecke Motion carried.

MERS Service Credit Purchase – Michelle Thompson: Motion by Walterhouse, seconded by Bates, to authorize Michelle Thompson to purchase 2 year 7 month of generic MERS time, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer and Walterhouse Nays: None Exc: Tucker and Warsecke Motion carried.

FOIA Appeal: Mitch and Maridee stated this decision is up to the board; you have a policy regarding FOIA and appeals and how we are to comply with the act; they are appealing the fees as excessive and were asking to waive all fees totaling \$944.52.

Comm Bates stated there was some additional information that was needed from the Treasurer's office, and they gave them the option to view all documents on the computer and they never contacted the Treasurer, so they provided the information to comply with the FOIA.

Motion by Walterhouse, seconded by Sauer, to forgive Mr. Figura's portion of the FOIA bill of \$357.00 for a balance remaining due of \$587.52.

Comm Carland stated that we have deviated from the policy for this particular FOIA and our standard policy is to request 50% down with final payment at the end; but because this board waive the prior FOIA fee, no deposit was issued.

Roll call. Ayes: Bates, Carland, Griner, Sauer and Walterhouse Nays: None Exc: Tucker and Warsecke Motion carried.

10:30 a.m. Stu Pettitt, Architect in Clawson, Michigan and also has a home on Crystal Drive Updated the board regarding the Maples roof issue; he has been assisting the building authority in the process; the roof decking was not non-combustible – so we investigated various solutions and we did three things to the building 1) intumescent fireproof coating; 2) a sprinkler system in the attic; and 3) complete smoke alarm system in every room. Inspector stated that the building was safer than before; report said it meets or exceeds code; the building is now approved and ready to be occupied. His opinion is that we are ready to move into the facility and it is his recommendation to do so. In the future the facility will be inspected 15.8 months on average and when that time comes, the inspector will inspect; they usually find minor things and the facility will need to make those improvements. The roof may or may not be cited, if cited, it is a simple matter to resubmit the ~~facility safety evaluation~~ Fire Safety Evaluation System (FSES) report and it will be the same report, unless there are any changes made to the facility then it would be resubmitted. One option is to remove and replace the roof, at a cost of \$1 million -- no ~~necessary~~ need to do that – it is a safer building.

Comm Bates asks about the spray coating being good for only 6 – 7 year? It is designed to last, but if there is deterioration or damaged by a worker, it could be repaired.

Comm Sauer asked that if CMS grants a waiver, do they ever revoke it? No need to ask for a waiver now because there is written code approval. ~~and there is no need for one.~~

11:00 a.m. Break

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11:08 a.m. Reconvene

11:08 a.m. Lisa Vogler, Taxpayers for the Maples

Refers to an email which was handed out on November 1, 2016 meeting; November 3, 2016 email from Stu Pettit to BA, talked about two different companies that deal with code compliance; the FSES worksheet shows that Maples still two point below compliance; as long as the wood is on the roof, it is in violation. Ed Hale and SOM is not the final -- CMS enforces the 2000 life safety code. This is a gamble -- you have no right to gamble with the patients; we paid for a building that is code compliant. We cannot gamble with loved ones. Everyone that paid the .635 millage should get the building they paid for. Action plan needs to be immediately addressed. Based on the County Treasurer report it says there is \$635,000 sitting in the two accounts that the Treasurer has; together with the taxes collected in our winter tax bill, that is about \$825,000 toward a new roof and would nearly cover the cost of a new roof. People want to be a part of solution and help; the BA members need to resign or the Board of Commissioners needs to vote to remove the BA. The BA Articles of Incorporation mandate that the BA have three members and you have two -- Mr. Figura needs to address this. It is time this be taken in the right direction, cannot wait until December 13.

FOIA Appeal -- \$944.00 to get 2,000 pages of FOIA, and \$446.00 is to pay the BA attorney to redact his own bills. This board erred when it denied the FOIA appeal waiver; it stated on the Benzie County web site says this board can waive fees -- they should have done so. She says we were in violation of our own policy. We still have a building that is not code compliant; in 15.8 months or sooner, the building will be inspected again, and where will the future of potential patients' lie.

CORRESPONDENCE

- Little Platte Lake elevation report received.
- Crystal Lake elevation report received.
- Road Commission minutes of October 13, 2016 received.
- Letter received from the Grand Traverse Band regarding 669 salvage property. Michelle Thompson stated that this property is in the possession of the Land Bank Authority and 17 acres is for sale; she will have the Land Bank address it with the Grand Traverse Band.

NEW BUSINESS -- Motion by Sauer, seconded by Carland, to hold the regularly scheduled meeting on November 22, 2016 at 9:00 a.m. Ayes: Bates, Carland, Griner, Sauer and Walterhouse Nays: None Exc: Tucker and Warsecke Motion carried.

11:43 a.m. Public Input

Dave Long, Chair of the Blaine Twp Planning Commission, you have a dysfunctional planning commission; on Oct 17 they were provided a hard copy and an electronic link of the Blaine Twp Zoning Ordinance; October 31, received a letter requesting the link because the County P/C didn't do anything; on November 10 the County P/C was to discuss the Blaine Twp Ordinance and nothing was done but set another meeting; next day he received a letter from Networks Northwest stating that they would be supporting the p/c -- what are we paying these people a per diem to do -- they are dysfunctional.

Dick Hug, Joyfield Twp, spoke regarding the internet; asks the Board of Commissioners to encourage modern and state-of-the art internet.

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Carol Frederick, spoke regarding the Maples issue – father is in the Maples, don't want to gamble with welfare for her father or other residents.

Nancy VanderLinde, Frankfort, spoke regarding the Maples and stated that you cannot keep moving people – concerned of transfer trauma, you need to develop a plan; appoint someone to the Building Authority.

Beth Marca, Frankfort, can't understand why there isn't a new roof on the Maples – strongly urge the board to get it done.

Thelma Rider Novak: you said in April 2015 that you folks voted to send a message to the BA to replace the roof, they breached the contract that you had with the BA; why have you waited 7 months to because you want a clear path; what will you do this week to figure out what that clear path will be; she is appalled that you would charge even a cent to the citizens group.

Bill Olson, Blaine Twp, suggests action – there is no one in this room that wouldn't like to see the building occupied waiver-free. Asks the Board to consider appointing a joint committee of Board of Commissioners and citizens to figure out a way to pay for this.

Kathy Dube, Administrator at the Maples, was hired by the Maples in August 2013; in 2014 Mr. Hale was doing his annual inspection and didn't know there was a new building; Mr. Hale is the fire marshal and the decision maker.

Mary Hoyt, Benzonia, stated that right from the beginning this has been very simple – you have an architect, you have a construction firm for a \$12 million project – they screwed up and we did nothing. This is insanity; you aren't doing the insight.

Lisa Vogler if the BAS and Ed R are allowed to go to mediation with the architect without the contractor, in that mediation, if that happens and only the architect are at the table, not Comstock, the minute it is discovered and talked about that Comstock knew the material was combustible, the attorney for the architect is going to point the finger at the empty chair. They had a duty to discuss if they knew there was a concern.

12:12 p.m. Public Input Closed

Motion by Walterhouse, seconded by Sauer, to change the dates of the December meetings to: December 6 and December 20, 2016 both to begin at 9:00 a.m. Ayes: Bates, Carland, Griner, Sauer and Walterhouse Nays: None Exc: Tucker and Warsecke Motion carried.

Motion by Sauer, seconded by Griner, to look into Mr. Olson's suggestion to explore the option to have joint discussions with the Board of Commissioners and members of the taxpayer's group. Ayes: Bates, Carland, Griner, Sauer and Walterhouse Nays: None Exc: Tucker and Warsecke Motion carried.

Motion by Bates, seconded by Carland, to adjourn until the November 14, 2016 Regular meeting or the call of the chair. Ayes: Bates, Carland, Griner, Sauer and Walterhouse Nays: None Exc: Tucker and Warsecke Nays: None Motion carried.

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Roger L. Griner – Chair

Dawn Olney, Benzie County Clerk

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1. Approved the agenda as presented.
2. Approved the regular session minutes of October 25, 2016 as presented.
3. Authorized David Schaffer to apply to the DEQ for a scrap tire grant, authorizing the chairman to sign.
4. Approved payment of the bills from October 21, 2016 to November 14, 2016 in the amount of \$524,169.75, as presented.
5. Approve HR Consent Calendar items 1 and 2 from the October 25, 2016 meeting.
6. Accepted the resignation of Bill Merry from the Brownfield Authority as requested.
7. Authorized grant application to the Grand Traverse Band in the amount of \$14,793.60 as presented, authorizing the chairman to sign.
8. Authorized grant application to the Grand Traverse Band in the amount of \$40,000 as presented, authorizing the chairman to sign.
9. Authorized grant application to the Grand Traverse Band in the amount of \$9,900.00 as presented, authorizing the chairman to sign.
10. Authorized grant application to the Grand Traverse Band in the amount of \$10,050.00 as presented, authorizing the chairman to sign.
11. Authorized grant application to the Grand Traverse Band in the amount of \$29,660.00 as presented, authorizing the chairman to sign.
12. Approved the contract between Wexford County/Wexford County Sheriff and Benzie County/Benzie County Sheriff for housing Wexford County Prisoners in the Benzie County Jail for the period August 1, 2016 to July 31, 2017, authorizing the chairman to sign.
13. Approved the Agreement for Extension Services for the period October 1, 2016 to September 30, 2017 in the amount of \$39,228.00, authorizing the chairman to sign.
14. Approved the Agreement between Benzie County and POAM Corrections Unit for the period October 1, 2016 to September 30, 2018, authorizing the chairman to sign.
15. Approved the Agreement between Benzie County and POAM Emergency Communication Specialists for the period October 1, 2016 to September 30, 2018, authorizing the chairman to sign.
16. Approved the Governmental Lease – Purchase Agreement for a 2017 Grand Caravan SE in the amount of \$14,790.00, authorizing the chairman to sign.
17. Approved the Governmental Lease – Purchase Agreement for a 2017 Dodge Charger Police AWD in the amount of \$13,602.00, authorizing the chairman to sign.
18. Approved the Governmental Lease – Purchase Agreement for a 2017 Dodge Journey SXT in the amount of \$12,692.50, authorizing the chairman to sign.
19. Authorized Michelle Thompson to purchase 2 year 7 month of generic MERS time, authorizing the chairman to sign.
20. Approved to forgive Mr. Figura's portion of the FOIA bill of \$357.00 for a balance remaining due of \$587.52.

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21. Approved holding the regularly scheduled meeting on November 22, 2016 at 9:00 a.m.
22. Approved changing the dates of the December meetings to: December 6 and December 20, 2016 both to begin at 9:00 a.m.
23. Approved to look into Mr. Olson's suggestion to explore the option to have joint discussions with the Board of Commissioners and members of the taxpayer's group.

Motion by Bates, seconded by Sauer, to adopt the HR Consent Calendar as follows:

1. To begin to explore the reorganization of the County Planning Commission, to utilize members from existing Planning Commissions throughout Benzie County, to sit on the Benzie County Planning Commission as identified in the updated Benzie County Master Plan.
2. To allow the County Administrator to carry over unused vacation time, until February 28, 2017.