

THE BENZIE COUNTY BOARD OF COMMISSIONERS

August 8, 2017

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, August 8, 2017, 448 Court Place, Government Center, Beulah, Michigan.

The meeting was called to order by Chairman Coury Carland at 9:00 a.m.

Present were: Commissioners Carland, Griner, Jeannot, Roelofs, Sauer and Walterhouse

Excused: Commissioner Warsecke

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

Agenda:

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

Minutes:

Motion by Sauer, seconded by Griner, to approve the regular session minutes of July 25, 2017 as corrected on page 3 Commissioner Carland comments. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer and Walterhouse Nays: None Exc: Warsecke Motion carried.

9:03 a.m. Public Input – None

ELECTED OFFICIALS & DEPT HEAD COMMENTS:

Sheriff Schendel reported on the Up North Music Festival which was scheduled for the Twisted Trails in Copemish, Manistee County. This event has been cancelled at that venue. They now want to hold it in Benzie County where the Dunes Festival event was held in Almira Township; the Sheriff indicated that he will not sign off on it at this point. They do not have the staff to be able to handle this event on such short notice. Now, rather than Almira Township they are contemplating a campground in Weldon Township.

Ron Hitesman, Weldon Township Supervisor, stated that the township has not been approached regarding this, however he understands that it is on facebook. Sheriff stated that he will keep Mitch posted regarding this.

Craig Johnson, EMS Director, stated that the event the Sheriff spoke of is scheduled for August 18, 19 and 20 – he also stated that they do not have the staff for this event. He also reported that all of their trucks are up and running; July was a record month for them with runs.

Frank Post, Emergency Management, provided his July 2017 report; he would like to expand the scope of planning for the After Action Review Meeting following the Frankfort Independence Day Activities, and make it county-wide; LEPC has approved the off-site Emergency Response Plan. He is starting to meet with the jurisdictions regarding the Mass Notification System. He will be in Emmetsburg, Maryland for a week for the final class of National Emergency Management Advanced Academy starting August 20.

Comm Jeannot asked, regarding the Mass Notification, if he will get around to all of the jurisdictions; Frank stated not initially. He will focus on those with a water system that may need to get notice out. Comm Griner stated that he would support the efforts to stop candy throwing at parades.

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David Schaffer, Recycling, stated that they held the final special collection of the summer with over 100 participants. The number was low and he feels it was the location. A tire collection was also held at the same time and at the end of the event, there were still 1-1/2 semis to fill so he and some volunteers cleaned a piece of property near Frankfort of 1500 tires and he feels that moving forward, we won't have as many trailers to fill. He was at the Homestead Township meeting last night and is still working on a site to move the recycling containers. The Village of Honor has stated that would be no problem extending the permit to stay where they are a little longer. There looks to be a strong possibility to use the property next to the Homestead Township Hall. He made a correction to a statement last month, regarding tonnage – there were 30 more tons over the last year, with 60 more pulls.

COMMISSIONER REPORTS

Comm Roelofs said it has been quiet for him the past couple of weeks; HSCB didn't meet in July; Domestic Violence Task Force is dealing with not having a rescue place for women in the evening and he is working with them to find a place; Grand Traverse Veterans Affairs is still struggling; Village of Lake Ann meets tonight; Sunday, August 13 @ 2 p.m. is the Open House/Picnic at the Veterans Memorial in Benzonia.

Comm Walterhouse reported that the finance/budget committee met on August 4 and will meet again this Friday.

Comm Griner attended the Merit Network session regarding high-speed internet – it was very enlightening; they are working with Graceland in Frankfort to connect with their facility on the hill on Grace Road.

Comm Jeannot reported on two of the five committee meetings he attended: housing committee had two additional applications, they were tabled for additional information; Friends of Point Betsie celebrated their 15th anniversary on August 1.

Comm Sauer attended the Health Dept meeting on August 4 and they will hold an open house tomorrow from 4 – 6 p.m. He stated that we have a lot of commissions and authorities and committees that don't post minutes in our packet – they need to. It will be helpful to the public and our commission. We are \$453,000 over budget. We do have a restricted fund balance policy of 25% that was adopted in 2014. Road Commission held a public hearing regarding the possibility of closing Henry Road – due to only two members being present they couldn't come to a consensus; Road commission talked about the DAS = Distribute Antenna System; be sure and vote today.

Comm Carland reported on the Merit meeting – they had two reps there. MDOT will not allow a private facility to cross state highway, MERIS MERIT is a utility provider so they can cross a major roadway. Met with Planning Commission chair Rocky von Roschburg, have a draft memo that will be sent out, and he went to West Benzie Planning meeting provided them a copy of the proposed planning ordinance; Rocky's term expire in September and he is not sure if he wants to reapply; September 12 is the next meeting; perhaps add a section regarding members from each township. Comm Sauer says don't want to rush it, we need to do it right. Comm Jeannot echoes Comm Sauer's comments to move as quickly as possible but we need the appropriate amount of buy-in. Comm Carland feels we can get the bulk of it done in the next month.

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Comm Carland continues his report – regarding the Village of Benzonia, they are possibly ready to start pursuing MEDC status. You need a fairly robust Master Plan and Zoning Ordinance in place and they are not sure if they have them. Village of Beulah Streetscape project will be starting soon – doing streets, sidewalks and lighting.

COUNTY ADMINISTRATOR'S REPORT – Mitch Deisch

- Tucker complaint – Plaintiff appealed to the 6th Circuit; mediation was held last week; it is currently in the Plaintiff's court to decide.
- IT Vendor RFQ – currently there are five vendors that have expressed interest. There is a walk-through this afternoon; August 31 is the deadline for the RFQ and has been placed on the web site.
- Special Finance meeting is scheduled for Friday at 1 p.m. to continue budget discussions.
- AES – Tim Ervin has submitted his letter of resignation; will meet with the AES team to see where they are going and to discuss Benzie County projects.
- Mr. VanDussen's OMA Complaint case is complete.
- Comm Jeannot's question regarding the Building Authority – Mr. Roy's response is on your desk.
- Provides note cards to Comm Griner.

10:01 a.m. Lisa Vogler, Taxpayers for the Maples

Ms. Vogler speaks regarding the passing of Mr. Olson and all that he has done for the community and the trail and the Maples. Ask you to think and pray for the recovery of Phil Hoyt as well.

We were waiting for a response from CMS regarding the existing or new code provisions; Mitch said, OK, if we get in the building, what is next – deal with recovering lost funds from the culpable parties. The self-pay residents cost has gone up almost \$1,000 per month in the new building.

So what happened to mediation – does anyone know, did it go to mediation, what did you pay Mr. Roy and Stu Pettitt for – did it even go to mediation, was there an offer and it was decided not to go to mediation.

She handed out copies of the BA Articles of Incorporation – refers to Article V. Section 1 and 4, regarding members of the board and vacancies, the chairman of the board of commissioners shall appoint.

She also hands out information regarding Removal of Building Authority Members – you have had cause to remove the two members for the past two years.

She also hands out information regarding the Construction Arbitration Rules Demand for Arbitration – how did we get to arbitration without mediation. Binding arbitration is binding. How do we know we are being adequately represented? She feels this is a \$4 million loss – not just \$1 million. You should be concerned about what is happening here.

She also hands out construction law information.

She says you need to remove the two Building Authority members and fire Mr. Roy – in her opinion. Comm Jeannot to Ms. Vogler – is an injunction a tool that can be used to slow this process down?

Yes, it is one avenue, but the best is to remove for cause the BA members.

The damage claim is at \$969,000.

She stated, you are being stonewalled by Mr. Roy and feels Mr. Roy has a conflict of interest; she stated that she told Mr. Roy to take a deep breath and step back.

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FINANCE

Bills: Motion by Walterhouse, seconded by Sauer, to approve payment of the bills in the amount of \$382,876.10, as presented. Roll call. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer and Walterhouse Nays: None Exc: Warsecke Motion carried.

ACTION ITEMS

2017-024 – Asian Carp: Comm Griner to work with Mr. Deisch to work on further changes to his proposed resolution.

10:50 a.m. Tim Ervin, AES

Mr. Ervin updated the board regarding the AES projects in Benzie County – the opportunity at this time is Xpert Fulfillment. They are considering the purchase of the vacant Antolin property. The project is closing at the end of the month and will create 20 – 30 new jobs. They are working to convert the site to an Industrial Park; funding is through CDBG and for new employee training. By the end of September they will have a walk-through and talk about the project. They are a small version of Amazon.

Mr. Deisch stated that it fits into the Strategic Plan.

Mr. Ervin says this is exactly what we need in Benzie County. Tomorrow he will meet with a development team regarding a housing analysis for affordable housing – 48 rental unit complex; and will talk soon about affordable senior housing. They are hosting a housing workshop in September to bring together governments, developers and investors to better understand what developers and investors need to educate communities about housing.

Strategic Plan – will do 1 news release per month; National Resources Trust Fund – Hanley Property acquisition; Village of Elberta – kayak/canoe launch, restrooms, connecting walkways; Frankfort – enhancements of the Lake Michigan Beach, new facilities and amenities. Between now and end of September, will identify 8 or 10 high-quality projects for Explore the Shore.

AES will be hiring an Executive Director to replace him. He will continue relationship with some key projects.

Comm Jeannot acknowledges the professional contribution to the community and you will be missed.

Comm Carland asks regarding the Hanley property, how is the fund raising taking place? Through HARP – there is a fundraising event on September 15.

\$120,000 needs to be raised by HARP to complete the acquisition.

11:00 a.m. Comm Griner excused.

11:12 a.m. Break

11:20 a.m. Reconvene

Mr. Deisch reported on the AES Plan Update and stated his goal is to provide an update to the board every 4 – 6 months.

HR AND PERSONNEL

Consent Calendar: Motion by Sauer, seconded by Jeannot, to approve the July 25, 2017 HR Consent Calendar item 1 as presented. Roll call. Ayes: Carland, Jeannot, Roelofs, Sauer and Walterhouse Nays: None Exc: Griner and Warsecke Motion carried.

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COMMITTEE APPOINTMENTS

Motion by Jeannot, seconded by Sauer, to suspend the board rules for consideration of Building Authority appointment. Ayes: Jeannot, Roelofs and Sauer Nays: Carland and Walterhouse Exc: Griner and Warsecke Motion carried.

Comm Jeannot stated that he has received a letter of interest for appointment to the Building Authority from Lisa Vogler.

Motion by Jeannot, seconded by Sauer, to appoint Lisa Vogler to the vacant term on the Building Authority. Roll call. Ayes: Jeannot, Roelofs and Sauer Nays: Carland and Walterhouse Exc: Griner and Warsecke Motion carried.

Motion by Sauer, seconded by Jeannot, to reinstate the board rules. Ayes: Carland, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Exc: Griner and Warsecke Motion carried.

CORRESPONDENCE

- MMRMA letter regarding RAP grant funding dated July 19, 2017 received.
- Bay County resolution 2017-149 opposing slashing federal funding for the Great Lakes Restoration Initiative received.
- Bay County resolution 2017-150 supporting SB 400 and HB 4651 to amend the Emergency Telephone Services Enabling Act received.
- Road Commission minutes of July 13, 2017 received.
- Betsie Valley Trailway Management Counsel minutes of July 11, 2017 received.
- Little Platte Lake elevation report for July received.
- Crystal Lake elevation report for July received.
- Email communications from BACN.

UNFINISHED BUSINESS – None

NEW BUSINESS – None

11:34 a.m. Public Input

Jerry Brace, Beulah, says congratulations for taking the first step in the right direction in the Maples situation; I respect every one of you and everything you do effects the lives of every citizen of Benzie County.

Deb Lindgren, Joyfield Township, says thank you for sending me the minutes in the mail; the suspension and reinstatement I keep seeing in the minutes, it seems like you need to look at rules on committee appointment without suspending the rules all the time. Also, regarding Magna, Joyfield Township adopted their zoning ordinance, but it is going to a vote of the people in November.

11:40 a.m. Public Input Closed

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All items on the agenda having been taken care of, the chairman declared this meeting adjourned.

Custer C. Carland – Chair

Dawn Olney, Benzie County Clerk

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1. Approved the agenda as presented.
2. Approved the regular session minutes of July 25, 2017 as corrected.
3. Approved payment of the bills in the amount of \$382,876.10, as presented.
4. Approved the July 25, 2017 HR Consent Calendar item 1 as presented.
5. Suspended the board rules for consideration of Building Authority appointment.
6. Appointed Lisa Vogler to the vacant term on the Building Authority.
7. Reinstated the board rules.

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

1. To have the County Administrator handle the Coykendall grievance.