

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

April 6, 2006

The Regular Session of the Calhoun County Board of Commissioners convened at 7:01 p.m., Thursday, April 6, 2006 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

Roll Call: Present: Comrs. Miller, Moore, Segal, Solis and Todd. Excused: Comrs. Bolger and Strowbridge.

INVOCATION AND PLEDGE OF ALLEGIANCE:

A Moment of Personal Prayer was observed; followed by the Pledge of Allegiance, led by Comr. Solis.

APPROVAL OF AGENDA/ADDENDUM:

“Motion by Comr. Solis, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the April 6, 2006 agenda and addendum as presented.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

“Motion by Comr. Solis, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the February 16, 2006 minutes as presented.”

Voice Vote: Motion CARRIED

CITIZENS' TIME:

Mr. Gardy Berezonsky, Marengo Township resident, pointed out that the proposed fingerprinting fee increase is a 33 percent increase, noted that the fee proposed for school employees is lower, and inquired why other individuals shall be charged more. Mr. Berezonsky further questioned why the county is proposing to enter into an agreement with the Calhoun Intermediate School District for fingerprinting services if the state is paying for the service.

Mr. Berezonsky further noted that the Sheriff intends to utilize the revenue received through the proposed fingerprinting services agreement to purchase patrol vehicles. Mr. Berezonsky advised that he saw ten old patrol vehicles loaded onto a trailer for auction, and inquired whether the proceeds from the auction go back into the General Fund or into the Sheriff Department budget.

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Mr. Jerry Keller, Battle Creek resident, inquired whether Board Members saw the Detroit News article regarding lobbyist procedures.

SPECIAL ORDER OF BUSINESS:

Special Tribute to Lieutenant Darwin Isham

Chairman Miller read, and along with Sheriff Byam, presented the following tribute to Lt. Isham.

Res. 56-2006

“Motion by Comr. Solis, supported by Comr. Todd, resolved by the Calhoun County Board of Commissioners approve the following special tribute to Lieutenant Darwin Isham:

WHEREAS, Lieutenant Darwin Isham tendered his resignation with the *Calhoun County Sheriff Department* effective March 31, 2006 after Twenty-Six {26} years of service; and

WHEREAS, Darwin Isham joined the Department October 31, 1979 and during his career with the Sheriff Department “Dar” Isham worked in law enforcement and corrections, being promoted to Sergeant on June 1, 1992 and to Lieutenant on November 3, 1995; and

WHEREAS, during Darwin Isham’s tenure he served as Training Coordinator for the Sheriff Department from March 1994 through November 1995 and also served as Jail Administrator many times during the absence of the Captain or Chief Deputy; and

WHEREAS, Lt. Darwin Isham was selected as Corrections Division Employee of the Year 2000 and was instrumental in making successful conversion to the new computer system; and

WHEREAS, Lt. Isham participated in many training programs during his career, including 160 hours at the Corrections Academy, the Michigan Department of Corrections Train the Trainer, Interview and Interrogation School and received courses in Certified Traffic Radar Operation, PBT testing, Firearms Training and Accident Investigations.

NOW, THEREFORE, WE, the Calhoun County Board of Commissioners, do hereby honor and thank **LIEUTENANT DARWIN ISHAM** for his 26 years of exemplary service to the citizens of Calhoun County and the Calhoun County Sheriff Department, and extend our best wishes for a happy, healthy and well-deserved retirement.”

Sheriff Allen Byam congratulated Lt. Isham for his many accomplishments and thanked him for his loyalty, dedication and integrity. Sheriff Byam advised that Lt. Isham handled a large portion of the jail bed rental business and that the Department is concerned regarding how that position will be filled. Sheriff Byam thanked

Lt. Isham for the excellent job he did and wished him a very happy retirement.

Voice Vote: Motion CARRIED

Special Tribute to Captain Terry L. Cook

Chairman Miller read into the record the following tribute to Capt. Cook.

Res. 57-2006

“Motion by Comr. Solis, supported by Comr. Segal, resolved by the Calhoun County Board of Commissioners approve the following special tribute to Captain Terry L. Cook:

WHEREAS, Captain Terry Cook tendered his resignation with the *Calhoun County Sheriff Department* effective March 30, 2006 after more than Twenty-Nine {29} years of service; and

WHEREAS, Terry Cook joined the Department March 14, 1977 and during his career with the Sheriff Department Terry Cook worked in law enforcement, corrections, the detective bureau, and the medical examiner investigator; and

WHEREAS, Terry Cook was promoted to Sergeant on November 21, 1986, Lieutenant on December 27, 1989, and to Captain in March of 1995; and

WHEREAS, during Terry Cook’s tenure he completed all the necessary courses to obtain the title of Certified Jail Administrator in 1999 and his re-certification in 2003; further, received training certificates from the following agencies: U.S. Department of Justice-National Institute of Corrections, Michigan State University, Wayne State University, The American Red Cross, the Michigan Sheriffs Educational Foundation, the American Jail Association, and the Michigan Department of Corrections; and

WHEREAS, Terry Cook was also a member of the A.L.U.R.T. Dive Team and participated in numerous dive instruction schools; further, Terry obtained his Bachelor’s Degree from Spring Arbor College in January of 1990 and completed Northwestern University Staff and Command School in 2005; and

WHEREAS, during Terry Cook’s career he received commendations from the following entities: Michigan Department of State Police, the City of Albion, Sheridan Township Fire Department, and the United States Department of Justice; plus numerous departmental commendations.

NOW, THEREFORE, WE, the Calhoun County Board of Commissioners, do hereby honor and thank **CAPTAIN TERRY COOK** for his 29 years of exemplary service to the citizens of

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Calhoun County and the Calhoun County Sheriff Department, and wish him continued success and fulfillment in his new career with the Department of Natural Resources.”

Voice Vote: Motion CARRIED

Child Abuse Prevention Month Proclamation

Chairman Miller read and presented the following proclamation to Pennfield Exchange Club President Judy Montych.

Res. 58-2006

“Motion by Comr. Moore, supported by Comr. Segal, resolved by the Calhoun County Board of Commissioners approve the following proclamation:

WHEREAS, child abuse is a serious and growing problem affecting more than 3.2 million of our nation’s children annually; and

WHEREAS, the *Pennfield Exchange Club*, through its support of educational programs and community service activities, is making significant progress in stopping this crime against families and children.

NOW, THEREFORE, as Chairman of the Calhoun County Board of Commissioners, I hereby proclaim that the entire month of April shall be observed as **Child Abuse Prevention Month in Calhoun County**, and I urge all citizens to use this time to better understand, recognize and respond to this grievous problem; and

BE IT FURTHER RESOLVED, that I congratulate the Pennfield Exchange Club for its continued success in helping families break free from the cycle of child abuse.”

Voice Vote: Motion CARRIED

Ms. Montych thanked the Commission for their support.

CONSENT AGENDA:

Res. 59-2006

“Motion by Comr. Solis, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following April 6, 2006 Consent Agenda as presented:

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A. Petitions, Communications, Reports:

- (1) Copy of a communication remitted to Ms. Patricia Polacco, Union City resident, received from the Michigan Department of Agriculture advising that a follow-up inspection of her sheep and goat facility in Calhoun County shall be conducted on May 16, 2006. (Received and placed on file, with a copy remitted to Environmental Health Director Ted Havens, Manure Management Specialist Natalie Rector and Drain Commissioner Blaine VanSickle)
- (2) Resolution received from Genesee County supporting passage of legislation that would allow a County Board of Commissioners the option to assume the powers, function and duties of its Road Commission and dissolve its Board of County Road Commissioners. (Referred to the Legislative Liaisons, with a copy remitted to Road Commission Managing Director Dennis Randolph)
- (3) Resolution received from Lenawee County urging the United States Congress to fund the Byrne Justice Assistance Grant law enforcement programs at the authorized level of \$1.1 Billion. (Referred to the Legislative Liaisons, with a copy remitted to Sheriff Allen Byam)
- (4) Notice received from the Michigan Department of Treasury advising that the personal property components of Industrial Facilities Exemption Certificate No. 2001-125 and No. 1999-299 for Lear Technologies LLC, and the personal property components of Industrial Facilities Exemption Certificate No. 1996-362 for Automotive Industries Manufacturing, Inc. have been revoked. (Received and placed on file)
- (5) Resolution received from Antrim County recommending the Michigan Legislature act in a timely manner to pursue 9-1-1 funding mechanisms that are reliable and equitable across technology lines. (Referred to the Legislative Liaisons, with a copy remitted to Emergency Telephone District Board Chairman Allen Byam)
- (6) Notice of a public hearing scheduled for April 11, 2006 regarding granting an Industrial Facilities Exemption Certificate to Alro Steel Corporation received from Battle Creek City. (Received and placed on file, with a copy remitted to Equalization Director David Lee)

B. Resolutions:

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- (1) Service Recognition Resolution to Jean Cook-Hughes

- (2) Senior Millage Allocation Committee Appointments
(Terms Expire April 6, 2009)
 - {a} Robert Redman
 - {b} Judith Huggett
 - {c} James Moreno

- (3) Board Rules Review Workshop Creation and Appointments
(Terms Expire December 31, 2006)
 - {a} Eusebio Solis
 - {b} Gregory Moore
 - {c} Nancy Mullett

Voice Vote: Motion CARRIED

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

2006 Supplemental Retirement Benefit

County Administrator/Controller Greg Purcell advised that Assistant Administrator Woods prepared the plan.

Asst. Administrator Wendee Woods stated that the purpose of the plan is to provide an incentive to encourage retirement which will result in an increased benefit to the employees and assist the county with voluntary workforce reduction and financial savings.

Ms. Woods advised that 20 employees are eligible for the plan which will provide insurance for the employees and their dependents through 2006. Ms. Woods stated that the employees must elect to retire between April 7 and June 30, and retire no later than September 30 to be eligible for the supplemental benefit. Ms. Woods estimated a savings between \$20,000 to \$50,000 dependant upon how many retire.

Res. 60-2006

“Motion by Comr. Todd, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the 2006 Calhoun County supplemental retirement benefit (ATTACHMENT A) as a voluntary option for eligible employees.”

Roll call vote: Yes - 5 (Comrs. Miller, Moore, Segal, Solis and Todd)

Excused - 2 (Comrs. Strowbridge and Bolger)
Motion CARRIED

Revised County Park Rules and Special Use Permit

Mr. Purcell advised that the Park Trustees Board met yesterday, and that in review of the proposed revised park rules Commissioner Moore pointed out some more revisions which were reviewed and recommended by the Park Trustees. Mr. Purcell stated that the one item of significant difference to the rules is the use and sale of alcohol within the parks with the issuance of a special use permit.

Road Commission Asst. Managing Director Joanna Johnson stated that the park rules have not been revised since 1991 and that the revised rules address playgrounds, camping and swimming, and provide for the issuance of special use permits. Ms. Johnson advised that the proposed rules and special use permit have been reviewed by legal counsel, posted and that public comment times were conducted.

Ms. Johnson advised that the fee for the special use permit is \$150 and that events issued the permit would also have to comply with the rules and regulations of the state and Emmett Township.

Ms. Johnson stated that the county has an opportunity to have the Silver Leaf Renaissance Faire at Kimball Pines County Park from mid-July through August of 2006 through 2011, the 2007 Lumberjack Open Disc Golf Tournament and the 2008 World Disc Golf Championships, and advised that all events have indicated that they would like to have the opportunity to have alcoholic beverages at their event. Ms. Johnson requested the Board approve the revised county park rules and the special use permit.

Res. 61-2006

“Motion by Comr. Moore, supported by Comr. Solis, resolved by the Calhoun County Board of Commissioners adopt the following:

WHEREAS, the Calhoun County Board of Park Trustees has reviewed the revised park rules;
and

WHEREAS, the Calhoun County Board of Park Trustees recommends to the Board of Commissioners approval of the revised park rules, subject to the following changes:

The recommended additional changes shall be: all references to “Trustee property” shall be changed to read “County Park Property;” Article II Section 9 - Noise Pollution shall be changed to read “It shall be unlawful to use a loudspeaker, public address system or sound amplifying equipment of any kind without proper written permission by the Trustees; or to operate a motor, motorboat, motor vehicle, radio, television or any device in a manner that produces excessive noise; Article III - Fees and Charges (a) shall be changed to read “To use any facility, land or area for which a fee and charge has been established by the Trustees without payment of such

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fee or charge. The Trustees shall reserve the right to waive a fee or charge at any time.”

THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners approve the revised Calhoun County Park Rules and the County Parks Special Use Permit as presented; and

BE IT FURTHER RESOLVED, that the above-stated changes shall be made to the Rules immediately following their approval by the Calhoun County Board of Commissioners.”

Comr. Todd inquired whether anyone in the past has addressed the issuance of a special use permit. Mr. Purcell responded that a special use permit was discussed last summer. Mr. Purcell stated that the Parks Manager has been attempting to bring in events to increase utilization of the parks to provide funding to maintain and operate the parks. Mr. Purcell advised that the Silver Leaf Renaissance Faire is a family oriented event and there has been discussion regarding having public safety at the event and Emmett Township is aware of this event. Mr. Purcell stated that the event has been held in Kalamazoo for a number of years and that he is comfortable with approving the special use permit.

Comr. Todd advised that he cannot support the special use permit because he is a man of God, an educator at Battle Creek Central High School, and believes that it sends a message that the Board of Commissioners is okay with the sale and use of alcohol. Comr. Todd questioned whether the Sheriff has agreed to provide waivers for people drinking and driving from the event. Comr. Todd further stated that he cannot support an event that could lead to a vehicle accident due to drinking.

Silver Leaf Renaissance Faire Operations Department Head Mike Seals stated that he understands Commissioner Todd’s concern. Mr. Seals advised that the Jaycees serve the alcohol and cut-off anyone that appears intoxicated. Mr. Seals stated that last year’s event was successful; further, that the Faire has its own security force comprised of one F.B.I. agent, a Springfield law enforcement officer and two security trained individuals which can address any problems. Mr. Seals assured the Board that the security team monitors what occurs within the beer tent and have not had a single incident.

Road Commissioner and Parks Trustee David Veramay advised that the Board of Parks Trustees placed a lot of telephone calls and conducted a thorough background check of the Faire to determine whether there have been any problems, and they have a squeaky clean record.

Comr. Moore expressed appreciation to the Board of Park Trustees for being forward in looking to find funds for the parks and for reviewing the proposed rule changes on short notice.

Comr. Segal stated that it is odd to have the issue of permitting alcohol in the parks right after the underage drinking forum last week. Comr. Segal advised that one in six middle school children are tasting alcohol, therefore, she is having trouble supporting the sale of alcohol as she does not want the message for the county’s children to be that someone has to be drinking to have fun. Comr. Segal further advised that Disc Golf is a big event for young people and questioned how permitting alcohol shall affect that event.

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Mr. Purcell stated that the Board is not just voting on the alcohol portion. Mr. Purcell advised that Battle Creek City allows special use permits in their parks; further, pointed out that there are significant hurdles for an organization to acquire a permit; e.g., liability insurance, state liquor license. Mr. Purcell stated that the Faire shall be hiring off duty uniformed Emmett Township Public Safety Officers.

Comr. Todd inquired whether the same amount of security would be required if alcohol were not permitted. Mr. Purcell responded "Not the amount of security, but security would still be required." Comr. Todd stated that if more security is required by allowing sale and consumption of alcohol, then he has concerns as there is still the possibility that someone could operate "under the radar" and drive on the roads and create a serious problem.

Mr. Seals advised that the Faire's security force has been the same size since the Faire started in 1994.

Comr. Moore advised that the question was raised whether reunions or small events held at the parks would require a special use permit, and those types of events will still be allowed without a permit. Comr. Moore inquired whether the Silver Leaf's agreement shall be reviewed on an annual basis.

Silver Leaf Renaissance Faire Representative Walt Gamble responded that there are many "outs" for the county and many obligations for the Faire. Mr. Gamble advised that the agreement shall be reviewed every five years; however that if the Faire does not honor the terms of the agreement, the agreement is null and void.

Chairman Miller pointed out that the Liquor Control Commission only issues a liquor license for the specific time of the event.

Comr. Moore stated that he concurs with the sentiments regarding use of alcohol and advised that he attended the underage drinking forum also; however, that he believes that parents have the responsibility to educate their children.

Comr. Segal requested that she be remitted a copy of the guidelines for granting special use permits as soon as possible.

Roll call vote: Yes - 4 (Comrs. Moore, Segal, Solis and Miller)
No - 1 (Comr. Todd)
Excused - 2 (Comrs. Strowbridge and Bolger)
Motion CARRIED

Fingerprinting Fee Increase

Sheriff Byam advised that by late summer fingerprinting will have to be done electronically. Sheriff Byam stated that he has encouraged the staff to look at all the fee structures, and pointed out that the state's and F.B.I.'s rate is higher. Sheriff Byam requested the Board support the fee increase.

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Res. 62-2006

“Motion by Comr. Solis, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve increase of the fingerprinting fee from \$15 to \$20 per fingerprint card, plus any fees charged by the State and Federal agencies; except for school employees, who shall be charged \$10 per print plus State and Federal fees.”

Roll call vote: Yes - 5 (Comrs. Segal, Solis, Todd, Miller and Moore)
Excused - 2 (Comrs. Strowbridge and Bolger)
Motion CARRIED

Finger Printing Services Agreement and Sheriff Department 2006 Budget Amendment

Mr. Purcell advised that the Sheriff is requesting that the revenue generated from the Agreement be utilized to purchase new vehicles, and questioned the status of Sheriff Department revenues.

Sheriff Byam advised that the state now requires all school employees to be finger printed and that the Department shall provide the service at \$10 per print. The Calhoun Intermediate School District shall provide the equipment at no cost to the county. Sheriff Byam advised that reserve officers shall be performing much of the work.

Sheriff Byam stated that the Department plans to purchase patrol vehicles with the revenue. Sheriff Byam addressed the old vehicles auctioned, advising that he does not remember how many vehicles were sold; however, that he believes the \$12,000 to \$16,000 received from the sale shall go back to the General Fund.

Sheriff Byam advised regarding revenue projections, that the project with the consultant is going well and that within a week or so he believes there will be a recommendation to go to the Federal Government. Sheriff Byam continued that some areas of revenue generation are going well and some are not, and advised that as soon as Mr. Redman returns from vacation he shall provide an update.

Res. 63-2006

“Motion by Comr. Moore, supported by Comr. Segal, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Agreement For Finger Printing Services between the Calhoun Intermediate School District and the Calhoun County Office of the Sheriff, and authorize the Sheriff to execute said Agreement on behalf of Calhoun County and the Calhoun County Sheriff Department; further, approve the following budget amendment to the Sheriff Department’s 2006 budget:

101-1305-60710	Collection Fees	\$50,000
101-1305-98000	Equipment Purchase	\$50,000"

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Comr. Solis stated that he is always hesitant when projected funds are earmarked for specific items. Comr. Solis pointed out that when the Board approved the 2006 budget in December everyone knew that it was a tenuous budget at best. Comr. Solis continued that there could be additional reductions and that if the Sheriff Department's revenue projections are not attained, the Board has already advised that it shall be visiting that Department. Comr. Solis questioned whether the funds should be placed into new vehicles now, or saved for two months until the Board is aware of whether personnel shall be impacted. Comr. Solis advised that he shall not support purchase of vehicles until more information is known.

Sheriff Byam advised that he and his staff have discussed this item quite a bit and he feels very strongly the burden of making revenue and the burden of caring for the employees in his Department. Sheriff Byam stated that he has an issue with aging vehicles, and that his position is that he needs to support his staff with safe vehicles.

Comr. Solis pointed out that the Board must consider the entire budget.

Comr. Moore inquired whether the \$50,000 shall completely purchase two vehicles plus the equipment. Sheriff Byam responded "No, if all the equipment is included;" however, pointed out that the Department will be re-using the light bars, cages and radar equipment. Comr. Moore stated that he believes there should be reinstatement of the risk management program to determine when vehicles should be replaced whereby the Board is not placed in the position of "trust me," and encouraged the Board to develop that criteria for replacements.

Sheriff Byam advised that the Department just reviewed that information last year or the year before in budget negotiations and at that time requested \$150,000 for vehicles, which the Department was granted and appreciated; further pointed out that he has previously requested such a replacement program be developed, which he would love to participate in.

Chairman Miller echoed Commissioner Solis' comments regarding the budget and expressed concern with tying projected revenue to a purchase. Chairman Miller stated that he does not want to be in the position of having to layoff deputies while a revenue stream was dedicated to a purchase.

Comr. Moore inquired whether there is need to immediately purchase the vehicles, and whether there is a larger savings by purchasing both at the same time. Comr. Moore questioned whether the purchase can be delayed until the Board has an opportunity to review the status of the budget.

Sheriff Byam responded that there is no advantage of purchasing one vehicle versus two. The purchase would be on a state bid, which is the lowest price the Department can get. Sheriff Byam advised that the vehicles can be ordered any time, however delivery will not be until July or August if ordered prior to April 24, and after April 24 there shall be no deliveries until 2007.

Roll call vote: Yes - 3 (Comrs. Miller, Moore and Segal)
No - 1 (Comr. Solis)

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Abstain - 1 (Comr. Todd)
Excused - 2 (Comrs. Strowbridge and Bolger)
Motion CARRIED

CITIZENS' TIME:

Mr. Berezonsky advised that he sat behind the Emmett Township Supervisor at the Board of Park Trustees meeting, and that the Supervisor said that he would provide the Faire with police protection at the cost of providing the service.

Mr. Berezonsky inquired, since the Board approved the special use permit, whether the county would be liable should something occur at the Faire event. Park Trustee Veramay responded that the organization's liability insurance would cover it if there were to be any occurrence.

Mr. Keller stated that he does not believe self-policing works.

COMMISSIONERS' TIME:

Comr. Segal reported that the Area Agency on Aging for Calhoun and Barry Counties is conducting review of their multi-year area plan this Friday at 9:00 a.m. at the Burnham Brook Center; also on Monday at 10:00 a.m. at the Forks Senior Center in Albion, and encouraged those interested to attend.

Comr. Todd stated that he supports the festivities that can be brought into Calhoun County and prays that no one will get hurt or arrested.

Chairman Miller advised that if the county were to be sued, it would not cost the county anything beyond the Corporation Counsel's salary.

Chairman Miller announced that the Board's next meeting is the Equalization Session which shall be conducted on Tuesday, April 18 per state law.

CLAIMS PAYABLE LISTINGS:

Res. 64-2006

“Motion by Comr. Solis, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve payment of the list of claims against the county in the total amount of \$316,828.82 for the week of March 14, 2006; further, approve payment of the list of claims against the county in the total amount of \$240,361.24 for the week of March 21, 2006; and finally, approve payment of the list of claims against the county in the total amount of \$955,419.74 for the week of March 28, 2006.”

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Roll call vote: Yes - 5 (Comrs. Todd, Miller, Moore, Segal and Solis)
Excused - 2 (Comrs. Strowbridge and Bolger)
Motion CARRIED

ANNOUNCEMENTS:

Comr. Solis offered his condolences to the Senior Services Manager who recently lost her father.

RECESS:

The Board recessed at 8:44 p.m. at the call of the Chair.

mlb