

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

May 3, 2007

The Regular Session of the Calhoun County Board of Commissioners convened at 7:04 p.m., Thursday, May 3, 2007 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

Roll Call: Present: Comrs. Arnquist, Bolger, Moore, Rae, Segal, Solis and Todd.

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA/ADDENDUM:

“Motion by Comr. Arnquist, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the May 3, 2007 agenda and addendum as presented.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

“Motion by Comr. Rae, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the April 5, 2007 Regular Session minutes, and the April 13, 2007 and April 14, 2007 Special Session minutes as presented.”

Voice Vote: Motion CARRIED

CITIZENS' COMMENTS:

Ms. Pearl Gray-McWhorter, Battle Creek resident, advised that in the past week and a half she has attended three transportation meetings and listened to discussion regarding applications submitted to the Michigan Department of Transportation. Ms. Gray-McWhorter stated that there are transportation organizations within the community that have “shut out” William Stein who operated CALTRAN.

Ms. Gray-McWhorter presented information regarding the Community Action Agency of Southcentral Michigan (C.A.A.) in which it states that the Marian Burch Adult Day Care Center is a minority organization.

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Ms. Gray-McWhorter pointed out that Marian Burch was a minority, however, that the organization itself is not. Ms. Gray-McWhorter stated that it is her understanding that the C.A.A. is an independent contractor on behalf of the county and receives funding from the county which is not stated within the C.A.A.'s funding application to the Federal Transportation Agency. Ms. Gray-McWhorter urged the Board to review the document presented.

Mr. Gardy Berezonsky, Marengo Township resident, addressed Item 12.A (4), advising that information within the Park Trustees Board minutes is inaccurate. Mr. Berezonsky advised that he attended the February 7 meeting, however, that his statements are not within the minutes. Mr. Berezonsky advised that at the meeting he inquired whether the Park Trustees Board was going to sell the land to the Road Commission, which is actually the same organization. Mr. Berezonsky stated that within the plat book, on the map of the land proposed for sale, the proposed roadway would not provide access to any where else as the road comes to a "T." Mr. Berezonsky advised that Harper Creek Schools owns some of the road, which tells him that the Road Commission shall be constructing a roadway that will only benefit the School; therefore he believes the School should pay for the road, not the taxpayers.

ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS:

Human Resource Manager Jennifer Buciencki announced that in February or March the Wellness Committee completed an application to the Regional Health Alliance and has been awarded the 2007 Workplace Wellness recipient.

Ms. Buciencki advised that a lot of the employees are participating in the wellness events, and that in a couple of weeks shall be learning about stress management.

SPECIAL ORDER OF BUSINESS -- Mother's Day Resolution:

Res. 59-2007

"Motion by Comr. Bolger, supported by Comr. Moore, resolved by the Calhoun County Board of Commissioners approve the following:

WHEREAS, the first mention of the idea of Mother's Day can be traced to Julia Ward Howe who suggested it in 1872. Julia Howe, who wrote the words to the Battle Hymn of the Republic, saw Mother's Day as being dedicated to peace as mothers bore the loss of human life most keenly; and

WHEREAS, the first known observance of Mother's Day in America occurred in Albion, Michigan on the second Sunday in May, 1877. It was the actions of an Albion pioneer woman, Juliet Calhoun Blakeley, that set Mother's Day in motion. Two days before her 59th birthday on

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May 11th, 1877, three young men, all sons of staunch temperance advocates, were found drunk on the streets of Albion's business district, one being the son of the pastor of the local Methodist Episcopal Church; and

WHEREAS, on Sunday (Mrs. Blakeley's birthday) the pastor was so distraught that he had to leave the pulpit before the services were concluded. Mrs. Blakeley stepped to the pulpit and called other mothers to join her to finish the service. Her sons were so moved that they vowed to return to Albion every year to mark their mother's birthday and to pay tribute to her. In addition, they made it a practice to urge everyone to honor their mothers accordingly on the second Sunday of May. The Methodist Episcopal Church in Albion set aside the second Sunday of each May to pay special recognition to mothers, and especially to Juliet Calhoun Blakeley "The Original Mother of Mother's Day;" and

WHEREAS, Anna Jarvis of Philadelphia is credited with bringing about the official observance of Mother's Day. Her campaign to establish such a holiday began as a remembrance of her mother, who died in 1905 and who had, in the late 19th century, tried to establish "Mother's Friendship Days" as a way to heal the scars of the Civil War and had expressed her hope that a memorial would be established for all mothers, living and dead; and

WHEREAS, on May 10, 1908 a program was held at Andrews Methodist Episcopal Church in Philadelphia, launching the observance of a general memorial day for all mothers, and for the first official Mother's Day service in 1908, Anna sent 500 white carnations to the church to be given to the participating mothers. During the next several years, she sent more than 10,000 carnations there. Carnations – red for the living and white for the deceased – became symbols of the purity, strength and the endurance of motherhood; and

WHEREAS, the first Mother's Day proclamation was issued by West Virginia's governor in 1910. The day was celebrated in most states in 1911; and

WHEREAS, in 1914, the U.S. House and Senate approved a resolution proclaiming the second Sunday of May as Mother's Day. President Woodrow Wilson endorsed it, and Secretary of State William Jennings Bryan proclaimed it; and

WHEREAS, women, especially mothers, face new challenges in society today, but motherhood remains a lasting influence on us as individuals and as a nation.

THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners take this moment to honor and pay our respect to mothers for loving and supporting their children in becoming good citizens in our schools and communities, and join with each son and daughter everywhere in expressing our appreciation to our mother and all mothers.”

Voice Vote: Motion CARRIED

CONSENT AGENDA:

Res. 60-2007

“Motion by Comr. Bolger, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following May 3, 2007 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Resolution received from Allegan County opposing House Bill No. 4398 {Mandated Bidding Process of County Functions}. (Referred to the Legislative Liaisons, with a copy remitted to Administrative Services Director Bradley Wilcox)
- (2) First Quarter 2007 Out-of-State Travel Report
- (3) Resolutions received from Huron County {1} opposing House Bill No. 4254 {Michigan Zoning Enabling Act Amendment}, and {2} opposing Senate Bill No. 232 {Foster Children Supervision}. (Referred to the Legislative Liaisons, with a copy of {2} remitted to Department of Human Services Director Gwain McCree)

B. Resolutions:

- (1) Summit Pointe Board of Directors Appointments
(Terms Expire March 31, 2010)
 - {a} Michael Brubaker
 - {b} JoAnne Miller
 - {c} Pollis Robertson
 - {d} Joyce Spicer
- (2) Greater Battle Creek/Calhoun County Visitor and Convention Bureau Appointment
 - {a} Greg Purcell -- Term Expires December 31, 2007"

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Calhoun County Youth Council

Chairwoman Segal reported that the Council raised over \$2,000 at their Blue Light Benefit to support Safe Place and the Calhoun County Child Abuse Prevention Council.

Comr. Rae reported that Mr. Purcell, Commissioner Solis and he met on April 23 with Mr. Brinker and Brad Casemore to address concerns regarding designation of Summit Pointe as the Substance Abuse Services Coordinating Agency. Comr. Rae stated that the meeting was very productive, and that any reservations they had have dissipated. Comr. Rae stated that he believes Summit Pointe shall do an excellent job as the coordinating agency.

Comr. Rae further reported that Mr. Purcell and he met with Oakland County CEO Brook Patterson who possesses 14 years of experience, and his key staff, to discuss how the Commission can do its job better. Comr. Rae advised that Mr. Purcell and he shall follow-up with more discussions and are excited and pleased with some of the ideas they received.

Comr. Rae also reported that he had an opportunity to meet with Sheriff Byam and two key staff persons to discuss a tether program. The Sheriff and staff are very willing to work with the Commission to better deliver services.

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

Reaffirmation of Substance Abuse Services Coordinating Agency Designation

County Administrator/Controller Greg Purcell stated that the transfer of designation first came to the Board's attention in March 2006 and requires two resolutions.

Summit Pointe C.E.O. Ervin Brinker stated that he does not know the time frame for transfer of the designation, however, anticipates that it shall be no later than October 1, 2007. It shall depend upon adoption of the resolution presented and the Commission's contact with Mr. Don Allen, Director of the Michigan Department of Community Health.

Mr. Brinker addressed the meeting which Commissioner Rae referenced with Brad Casemore, C.E.O. of Venture, Inc., at which they discussed the plan and how to maintain open communications whereby the Commission is aware of program results. Mr. Brinker advised that goals will be established at the beginning of the fiscal year and that every six months he and the two Commission-appointed members of the advisory

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board shall come before the Board to advise how things are going.

Mr. Brinker further advised that Summit Pointe requires community input and shall be going out in the community to receive that input. Mr. Brinker addressed resources, stating that no one knows what those resources shall be at the present time with the economic condition of the state. Mr. Brinker stated that Summit Pointe and the county shall have to work together for a healthier community, and that Summit Pointe is willing and able to be held responsible for administering the substance abuse resources.

Res. 61-2007

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

WHEREAS, the Calhoun County Board of Commissioners adopted on March 16, 2006 a resolution seeking designation of the Community Mental Health Authority of Calhoun County (Summit Pointe) as the Coordinating Agency pursuant to MCL 333.6226; and

WHEREAS, the Michigan Department of Community Health was officially notified of this action by the Calhoun County Board of Commissioners; and

WHEREAS, representatives of both the Calhoun County Board of Commissioners and the Community Mental Health Authority of Calhoun County have had formal communications with both the Michigan Department of Community Health and the Michigan Office of Drug Control Policy; and

WHEREAS, a Calhoun County-wide substance abuse planning session was hosted by Summit Pointe on February 27, 2007; and

WHEREAS, Erv Brinker, Summit Pointe CEO, met with the Calhoun County Commissioners on March 15, 2007 and April 23, 2007; and

WHEREAS, a calendar year has passed since the original resolution, and the Calhoun County Board of Commissioners believe it is in the best interests of Calhoun County residents, the region and the state to support such a request.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners hereby reaffirms its decision to have Summit Pointe designated as the Coordinating Agency; and

BE IT FURTHER RESOLVED, that the Calhoun County Board of Commissioners respectfully requests that the Michigan Department of Community Health approve an expeditious approval

and effective date of transfer on or before October 1, 2007; and

BE IT FURTHER RESOLVED, that Summit Pointe will report every six (6) months to the Commission as to the goals and objectives formulated in the annual plan to provide comprehensive services, and how it is meeting those goals and objectives. The first report will be presented to the Commission prior to October 1 of each year.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

FY 2006-2007 Health Department Budget Adjustments

Mr. Purcell advised that the budget adjustments are for a variety of programs and were approved by the Board of Health at its April 16 meeting.

Health Officer Dottie-Kay Bowersox stated that on a quarterly basis budget adjustments are presented to the Commission upon approval by the Board of Health. Ms. Bowersox advised that most of the adjustments are general “housekeeping” adjustments. Ms. Bowersox pointed out that the alterations include the transfer of the Nursing Clinic of Battle Creek and the discontinued trailer camps and mobile home park services.

Res. 62-2007

“Motion by Comr. Bolger, supported by Comr. Arnquist, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2006-2007 Calhoun County Public Health Department budget adjustments as presented by the Board of Health.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

2007 Remonumentation Grant Program Surveyor Agreements/County Representative Agreement

Planning Consultant Jennifer Bomba advised that the agreements are presented annually. Ms. Bomba stated that the Remonumentation Grant application was submitted to the state and has been approved. Ms. Bomba requested the Board approve the five agreements with the surveyors who have been involved in the Monumentation/Remonumentation Program since its beginning, plus the County Representative agreement.

Ms. Bomba advised that there is one change this year, being a provision to extend the agreements in one-year increments for a period of five years to allow the surveyors to start work earlier. Ms. Bomba advised that the Program budget for this year is \$109,000 and requires a \$40,000 county match.

Comr. Moore inquired whether the Program is “on track.” Ms. Bomba responded yes, advising that the Program is a 20-year Program that commenced in 1993 and should be finished in 2013 if the funding is maintained at

the current level.

Res. 63-2007

“Motion by Comr. Rae, supported by Comr. Arnquist, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2007 Survey and Remonumentation Grant Program Surveyor Agreements {5} between Calhoun County and Kebs, Inc.; Crane Land Surveying, P.C.; Reynolds Heritage Land Surveying & Mapping; Fred Cutcher, P.S.; and David Lohr, P.S.; further, approve the FY 2007 Remonumentation Program County Representative Agreement between Calhoun County and Carr & Associates Land Surveying; and finally, authorize the Board Chairwoman to execute said Agreements on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Kimball Pines Park Land Right-of-Way Sale

Mr. Purcell advised that the quit claim deed presented is for sale of property at Kimball Pines Park for construction of a new road to service the parkway. Mr. Purcell stated that the Park Trustees Board was requested to conduct a public hearing, which it did on November 15, 2006.

Road Commission Managing Director Dennis Randolph stated that the roadway shall service a number of future uses and has been approved for federal aid funds; further, advised that the roadway is currently on the Transportation Improvement Program project list for the Battle Creek Area Transportation Study in 2014. Mr. Randolph stated that the Road Commission needs to provide some assurances to the Silver Leaf Renaissance Faire and those that are maintaining their sites that the road that will be constructed will not damage what they have invested in the Park.

Mr. Randolph pointed out that the new road shall also provide a bypass for the casino and will also serve as a new entrance into Kimball Pines Park rather than using the current existing driveway/entrance at the Calhoun County Medical Care Facility. Mr. Randolph advised that the Road Commission will not be doing any paving this summer and will not be constructing the roadway as the Road Commission does not have the funding.

Comr. Bolger stated that he remembers this item coming “across our radar” before, and inquired whether the previous transaction, the purchase/transfer from the Park Trustees Board to the Road Commission, has been undone. Mr. Randolph responded that the deed was never executed or filed. Mr. Randolph advised that last year the funds were transferred and have been left there which Mr. Purcell and the auditor are aware of.

Comr. Bolger inquired why the property must be sold. Mr. Randolph responded that when the Road Commission builds outside the 66 foot easement, the Road Commission must purchase the property to do so. Mr. Randolph pointed out that presently the Road Commission shares the current access with the Adult Day

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Care Center and this year there shall be 30,000 visitors to the Silver Leaf Renaissance Faire, plus the visitors that shall be attending disc golf.

Comr. Bolger inquired whether the county could simply grant an easement to the Road Commission. Mr. Randolph responded that the transfer of funds for the property assisted with the Park Fund deficit. Comr. Bolger stated that he is concerned that funds are being taken from one department to fund another department within the same organization through transfer of property when that transfer does not need to take place. Mr. Randolph stated that how the Road Commission gets the property is not as important as reserving that property. Mr. Randolph stated that he has a problem though with a deficit in the Parks Fund, and advised that there is no other way to get out of that deficit and clear the books. Mr. Randolph stated that the Road Commission/Park Trustees are doing everything they can to keep the parks operating while not touching the road monies.

Comr. Bolger stated that he believes the Park Fund deficit and sale of the property are two different issues that should be addressed separately, and believes that the Board should consider an easement and then discuss a deficit reduction plan. Comr. Bolger stated that the county does not need to play games with a transaction like the one proposed.

Comr. Moore addressed Corporation Counsel's legal review regarding the legal description contained within the quit claim deed and the provision for splitting the land. Corporation Counsel Nancy Mullett responded that the legal description is within the deed and the provision for land divisions has been deleted.

Comr. Moore pointed out that a year ago one concern of the adjacent property owners to the west had been the placement of the roadway, the amount of traffic and noise on the road, and how that would be buffered. Comr. Moore inquired whether the Road Commission or the Park Trustees Board has talked to any of the residents regarding those concerns. Mr. Randolph responded "No, not since the meetings approximately a year earlier."

Comr. Bolger again stated that he believes the Park Fund deficit and the sale of the property are two separate issues and is uncomfortable with the transaction proposed.

Mr. Randolph stated that there is no real rush to do anything with the property because there is no money to build the roadway. Mr. Randolph stated that the desire to discuss the deficit relates to the discussion that the Road Commission had at its own retreat. Mr. Randolph advised that he would be glad to withdraw the request for property sale at this time, and that the Board shall be receiving a letter from the Road Commission to request discussion with the Board regarding the Park Fund deficit.

Mr. Randolph advised that the Road Commission has wrote a book regarding the county parks and that 10,000 copies shall be for sale prior to Christmas. Money from sale of the books shall be used to pay for the parks. Mr. Randolph withdrew the request for property sale.

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Comr. Rae questioned whether the deficit is a paper deficit, which would be wiped out with the sale of the property. Comr. Rae stated that if this is the case, then he does not see the sale as a problem.

Comr. Moore inquired whether sale of the property would wipe out the entire deficit. Mr. Randolph responded No.

Chairwoman Segal advised Mr. Randolph that the Board shall look forward to receiving the Road Commission's letter to discuss the park deficit and shall make sure that discussion occurs.

Mr. Purcell offered assurance to the Silver Leaf Renaissance Faire that none of the discussion of this item has any bearing on their operations.

CITIZENS' TIME:

Ms. Gray-McWhorter again addressed the C.A.A.'s funding application, pointing out that no where within the application does the C.A.A. declare receipt of county funding.

Ms. Gray-McWhorter advised that she addressed her medical condition with Battle Creek City, and that the City feels that since she is not a City employee, the City should not have to pay for her physical therapy, nor her neck and back brace; and advised her that she cannot sue the City as they are immune to suits.

Ms. Gray-McWhorter again addressed how her home had been broken into and items stolen by Battle Creek City employees, and requested the county's assistance in getting her home repaired.

Ms. Gray-McWhorter addressed the Board's meetings which shall be conducted at other than the county seat, and requested that a Commissioner pick her up on their way and to come to her side door as her ramp was stolen by the City of Battle Creek.

Mr. Berezonsky stated that since he will not be attending the Board's next meeting in Battle Creek, he would like to know when the Board intends to conduct its next summit.

COMMISSIONERS' TIME:

Comr. Moore wished a happy anniversary to his alma mater, Kellogg Community College, that is celebrating its 50th Anniversary this Sunday. Comr. Moore advised that there will be a poetry meeting and reception at 4:45 p.m.

Comr. Moore advised that Serendipity is having a prayer meeting on Tuesday, May 8, which is also election day for the schools. Comr Moore encouraged everyone to vote on Tuesday, May 8.

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Chairwoman Segal advised that at the Prayer Breakfast Serendipity is bringing in Jackie Joyner-Kersey and that the Boys and Girls Club will also have her at the Club. The cost is \$15 which helps support the Club. Chairwoman Segal commented that the Board is pleased to have Corporation Counsel serving on the Club's Board of Directors.

ANNOUNCEMENTS:

Chairwoman Segal announced that the Board's next meeting on May 17 shall be conducted in the Battle Creek City Commission Chambers. Chairwoman Segal further announced that the Board's next Summit is not until September, and advised that a date has not been set yet.

CLAIMS PAYABLE LISTINGS:

Res. 64-2007

“Motion by Comr. Moore, 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 \$864,738.15 for the week of April 17, 2007; further, approve payment of the list of claims against the county in the total amount of \$898,583.84 for the week of April 24, 2007.”

Comr. Rae questioned the \$28,953.47 Miscellaneous Operating expenditure to Battle Creek City listed on Page 11 of the April 24, 2007 claims listing. Chairwoman Segal advised that the expenditure is a pass-thru of the E 9-1-1 surcharge monies which the county collects.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

ADJOURNMENT:

The Board adjourned at 8:06 p.m. at the call of the Chair.

mlb