

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

October 4, 2007

The Annual Session of the Calhoun County Board of Commissioners convened at 7:02 p.m., Thursday, October 4, 2007 in the Commissioners Chambers, Calhoun County Building, 315 West Green Street, Marshall, Michigan.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA/ADDENDUM:

“Motion by Comr. Rae, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the October 4, 2007 agenda and addendum as presented.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

“Motion by Comr. Rae, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the September 6, 2007 minutes as presented.”

Voice Vote: Motion CARRIED

CITIZENS' TIME:

Ms. Janice Cross, Battle Creek resident, requested the Board reconsider the layoff of Health Department employee Carol Bradwell.

Mr. Gardy Berezonsky, Marengo Township resident, noted that there are no funds for purchase of development rights, and inquired why the county is proposing continuation of the process at this time.

SPECIAL ORDER OF BUSINESS:

Medals Presentation to Calvin Wheeler

Veterans Affairs Director Scott Losey introduced Korean War Veteran Calvin Wheeler and Retired Major Oscar Roberts.

Chairwoman Segal advised that Mr. Wheeler was born on July 19, 1931 in Macon, Georgia. At the age of five, the Wheeler family relocated to Albion. At the age of 19, Mr. Wheeler enlisted into the United States Army on May 23, 1951 where he began training as an infantryman. Soon, thereafter, Mr. Wheeler was sent to Korea. For demonstrating dutiful valor during an assault on enemy forces on October 18, 1952 Mr. Wheeler was awarded the Silver Star for his gallantry in action near Kumbwa, Korea. Private Wheeler, acting as a point man, was the foremost man in an assault against a strategic enemy-held hill. When the contact was made with the enemy forces and the assault elements were subjected to an intense barrage of enemy artillery, mortar, grenade and small-arms fire, Private Wheeler, with complete disregard for his personal safety, remained in his exposed position, firing his automatic-rifle from his hip, inflicting heavy casualties upon the enemy, disorganizing them, and forcing them to retreat to more covered positions. Private Wheeler continued his fire until his wounded comrades had been evacuated and the assaulting forces were able to withdraw without suffering further casualties. The courageous devotion to duty and coolness under fire demonstrated by Private Wheeler on this occasion were great sources of inspiration to all who witnessed, and contributed greatly to the success of the combat mission. The gallantry displayed by Private Wheeler reflects great credit on himself and is in keeping with the highest traditions of the military service.

On March 18, 1953 while assigned to Company I, 17th Infantry in Paksok, Korea, Mr. Wheeler sustained a shell fragment wound to his head as a result of exploding enemy ordinance near his vicinity. During Mr. Wheeler's three day hospital stay, the treating medic informed Mr. Wheeler that he would be recommended for the Purple Heart. Since March 18, 1953, Mr. Wheeler has neither been officially presented nor has officially received his Purple Heart.

To reconcile this injustice, Mr. Oscar Roberts, Major, United States Army–Retired–fellow patriot, lifetime member of the Military Order of the Purple Heart Chapter 110, and Purple Hearter for wounds inflicted by enemy forces in September 1967 in Pleiku, Vietnam will, after all of these years, officially present the Purple Heart to Mr. Wheeler.

After Mr. Wheeler's discharge from military service on May 13, 1953 he returned to his hometown of Albion and resumed his old job at Corning Glass Works. Mr. Wheeler married in 1953 and together with his spouse raised four children. Sadly, Mr. Wheeler's spouse of 47 years passed away in 2005.

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Mr. Wheeler was officially presented his Silver Star during an awards ceremony prior to his discharge from the United States Army. However, Mr. Wheeler's Silver Star was lost some time ago. After exhaustive efforts were made to locate the medal, Mr. Wheeler conceded that his Silver Star would never be found. Not until recently did Mr. Wheeler decide that he would like to replace his Silver Star. The Director of the Calhoun County Veterans Affairs office was able to secure a replacement Silver Star through the National Personnel Records Center in St. Louis, Missouri.

Chairwoman Segal, accompanied by Director Losey and Ret. Major Roberts, presented the Silver Star to Mr. Wheeler. Ret. Major Roberts congratulated, saluted and presented the Purple Heart to Mr. Wheeler.

Mr. Losey advised that when he first met Mr. Wheeler he was having some service-connected hearing loss problems. Mr. Losey stated that Mr. Wheeler was examined at the Veterans Administration (VA) where the examiner stated that the hearing loss is not related to Mr. Wheeler's service. Mr. Losey stated that he senses there shall be a forthcoming appeal as his discussions with the VA Director and the physician have had no result.

National Business Women's Week Proclamation

Comr. Arnquist read, and Chairwoman Segal presented, the following proclamation to Business and Professional Women's Albion Chapter President Barbara Frederick.

Res. 147-2007

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

WHEREAS, working women constitute 66 million of the nation's work force and strive to serve their communities, their states and their nation in professional, civic and cultural capacities; and

WHEREAS, women-owned businesses account for 28 percent of all U.S. business, generating \$1.15 Trillion in sales; and

WHEREAS, the major goals of Business and Professional Women/USA and Business and Professional Women/MI are to promote equality for all women and to help create better conditions for working women through the study of social, educational, economic and political problems; all of us are proud of their leadership in these many fields of endeavor; and

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WHEREAS, for 79 years Business and Professional Women/USA and Business and Professional Women/MI have been spotlighting the achievements and contributions of working women during National Business Women's Week.

THEREFORE, WE, the Calhoun County Board of Commissioners, do hereby proclaim October 15 through October 19, 2007

NATIONAL BUSINESS WOMEN'S WEEK

in Calhoun County and urge the citizens of Calhoun County, all civic and fraternal groups, all educational associations, all news media and other community organizations to join this salute to working women and encourage and promote the celebration of the achievements of all business and professional women as they contribute to our economic, civic and cultural purposes."

Voice Vote: Motion CARRIED

Ms. Frederick thanked the Board for the proclamation. Ms. Frederick advised that the national organization was formed in 1919 and held its first convention in 1924. Ms. Frederick stated that the Albion Chapter focuses upon education and civic events to assist the community. Ms. Frederick advised that 2008 shall be the Chapter's 80th year, and that in the Spring the Chapter shall have a celebration and on November 3, 2008 shall be conducting the business women's exposition. Ms. Frederick further advised that the Chapter has been working on the A-Maizing Corn Harvest, which is this weekend.

"Global Citizens' River Conservation Day" Proclamation

Comr. Rae read, and Chairwoman Segal presented, the following proclamation to Solid Waste Management Specialist Tiffany Eichorst.

Res. 148-2007

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

WHEREAS, Calhoun County and the Calhoun County Road Commission have worked with the City of Battle Creek, the City of Springfield, the Calhoun County Drain Commissioner, and the surrounding townships of Bedford, Emmett, Leroy, Newton, and Pennfield to form the Battle Creek Area Clean Water Partnership to develop a watershed management plan for a portion of the Kalamazoo River watershed; and

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WHEREAS, the Battle Creek Clean Water Partnership has the goal of helping to protect and restore our rivers and lakes to provide the recreational uses and wildlife habitats once common in the area and to protect the drinking water sources of the area through public education; and

WHEREAS, the Battle Creek Clean Water Partnership will conduct a clean up of a portion of the Kalamazoo River Watershed beginning at 8:30 a.m. at Bailey Park on October 6.

NOW, THEREFORE, I, Kate S. Segal, Chairwoman of the Calhoun County Board of Commissioners, do hereby proclaim *Saturday, October 6, 2007*, as

“GLOBAL CITIZENS’ RIVER CONSERVATION DAY”

and encourage citizens to participate in this worthwhile project to help restore this wonderful natural resource to its full beauty and potential.”

Voice Vote: Motion CARRIED

Ms. Eichorst encouraged people to come out and help with the clean-up. Chairwoman Segal advised that she will be there.

Board of Canvassers Election

Res. 149-2007

“Motion by Comr. Bolger, supported by Comr. Arnquist, adopt the following: Resolved by the Calhoun County Board of Commissioners elect Republican Phyllis Rice and Democrat Marilyn Kosmowski to the Calhoun County Board of Canvassers with terms to expire October 31, 2011.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

2007 Drain and Lake Level Assessments

Res. 150-2007

“Motion by Comr. Rae, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Drain and Lake Level Assessments To Be Spread In 2007 (ATTACHMENT A), as presented by the Calhoun County Drain Commissioner.”

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Roll call vote: Yes - 7 Motion CARRIED Unanimously

Drain Commissioner's 2007 Annual Report

Drain Commissioner Blaine VanSickle presented the report pointing out that the cover picture is of the new Lyon Lake Augmentation Project, which is coming to a close. Mr. VanSickle reported that drain maintenance continues on the Porter Lake Drain in Section 34 of Convis Township. The three year project will conclude this year unless property owners further upstream request additional drain cleaning.

Mr. VanSickle reported that there has been a continuing problem with beaver at the Cotton Lake Dam, and since the late 1980's the Office has trapped and removed the beaver. Mr. VanSickle advised that he had an opportunity to visit with the Ingham County Drain Commissioner who advised him regarding a Clemson beaver pond leveler system that works for beavers, so the Office with the assistance of a local culvert vendor, put together a similar system that is working with the beavers building on top of it allowing the water to go where it is supposed to.

Mr. VanSickle further reported that there is legislation still pending that will make needed amendments to the Drain Code, one of which could allow for a change in the name of the office.

Comr. Moore addressed the Drain Notes commencing on Page 13, and inquired whether the column to the right reflects the final payments. Mr. VanSickle responded Yes.

Corporate Cup Award Presentations

Chairwoman Segal and Comr. Moore presented the following plaques to Joyce Kelly, Tammy Giannunzio and Sara Parker. Third Place in the Women's 5 K Run, Third Place in the One Mile Time Predicted Walk, Third Place in the 5 K Time Predicted Run, Second Place in Mixed Swimming, Second Place in the Spirit Team Event, First Place in the Time Predicted Bike Race and First Place in Coed Volleyball.

Comr. Moore thanked Kay Rodgers, Joyce Kelly and Michelle Hill for organizing the event.

Ms. Giannunzio thanked the Board for sponsoring the event, stating that participating in the events has been a lot of fun.

CONSENT AGENDA:

Res. 151-2007

“Motion by Comr. Todd, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following October 4, 2007 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Notice of a public hearing scheduled for October 2, 2007 regarding amendment to the Battle Creek Tax Increment Finance Authority’s Tax Increment Financing and Development Plans. (Received and placed on file, with a copy remitted to Equalization Director David Jager)
- (2) Resolution received from Arenac County opposing House Bill No. 811 (Michigan Election Process). (Referred to the Legislative Liaisons)
- (3) Notice of a public hearing scheduled for October 2, 2007 regarding a Brownfield Plan for the proposed Kellogg Research and Development Facility Expansion. (Received and placed on file, with a copy remitted to Equalization Director David Jager)
- (4) Notice of a public hearing scheduled for October 2, 2007 regarding granting Industrial Facilities Exemption Certificates to TRMI, Inc. and Cello-Foil Products, Inc. received from Battle Creek City. (Received and placed on file, with a copy remitted to Equalization Director David Jager)
- (5) Resolution received from Lake County opposing House Bill No. 4780-4788 {Township Functions}. (Referred to the Legislative Liaisons)
- (6) Resolution received from Antrim County urging the United States Department of State to reconsider implementation of a rule change whereby Michigan counties may no longer accept passport applications. (Referred to the Legislative Liaisons)

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B. Resolutions:

- (1) Southwest Michigan Solid Waste Consortium Appointment
 - {a} Tiffany Eichorst -- Term Expires December 31, 2008
- (2) Southwest Michigan Solid Waste Consortium Advisory Committee Appointment
 - {a} Tiffany Eichorst -- Term Expires December 31, 2008"

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Emergency Telephone District Board

Board Member Bolger reported that there still has been no resolution regarding the E 9-1-1 funding legislation, however, advised that the Board has received a letter advising that after review of Calhoun County's and the PSAPs' E 9-1-1 funding all are in compliance.

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

Purchase of Development Rights Ranking of Applicants and Authorization to Proceed
with the Purchase of Development Rights Process

Planning Consultant Jennifer Bomba reported that in the Spring the Calhoun County Agricultural Preservation Board received nine applications during the purchase of development rights application cycle. Ms. Bomba advised that six applications were determined incomplete, however, that the Agricultural Preservation Board met with the applicants and at the new application window those applicants will be able to be qualified at that time.

Ms. Bomba continued that the Agricultural Preservation Board reviewed and ranked the remaining three applications utilizing the point system criteria developed by the Agricultural Preservation Board, and approved by the Board of Commissioners. Ms. Bomba pointed out that the first two applications are closely ranked as they are neighboring farms.

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Ms. Bomba stated that the Agricultural Preservation Board is prepared to seek funding from the Michigan Agricultural Preservation Fund to purchase the development rights. Ms. Bomba advised that the state's grant program requires a minimum local match equal to 25 percent of the appraised value of the development rights, and at this time the Agricultural Preservation Board is relying upon the applicant to provide the match funds necessary. Ms. Bomba stated that the Agricultural Preservation Board has taken action to proceed with the applicant who has committed to providing 30 percent of the appraised value as the local match. Ms. Bomba stated that she believes that the county's application will be more competitive due to the additional 5 percent in match funds. Ms. Bomba advised that the Agricultural Preservation Board is currently looking for match funding.

Ms. Bomba stated that the Agricultural Preservation Board requests the Commission approve the listing of ranked applications, and authorize the Board to proceed with the next step in the purchase of development rights process with the second ranking application. Ms. Bomba advised that the Agricultural Preservation Board has met with the Hoyt family and believes they shall be great spokespersons for the program.

Res. 152-2007

“Motion by Comr. Moore, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the listing of ranked applications received during the Calhoun County Agricultural Preservation Board's Purchase of Development Rights application cycle held in the Spring of 2007 and authorize the Agricultural Preservation Board to proceed with the next step in the process of purchasing the development rights with the second ranking application received from Benjamin and Carol Hoyt.”

Comr. Moore inquired where the funding shall come from for the appraisal. Ms. Bomba responded that the appraisal is a cost borne by the program, and that some farm agencies have donated funding for the first appraisal.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Comr. Bolger reminded everyone of the Fourth Annual Land Use Tour in the Albion area in conjunction with the A-Maizing Corn Harvest. Comr. Bolger advised that the Agricultural Preservation Board shall be traveling to Harrison's Orchard.

Kalamazoo River Clean-Up Volunteers Announcement

County Administrator/Controller Greg Purcell advised that the Rotary Club of Battle Creek will be helping with the river clean-up, and that Ms. Mullett has some volunteers from the Boys and Girls Club.

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Battle Creek Nursing Clinic Office Lease Agreement Addendum

Mr. Purcell advised that the addendum is a technical adjustment to the lease to require the lessee to provide insurance on the property.

Res. 153-2007

“Motion by Comr. Todd, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the First Addendum to the Lease between the Nursing Clinic of Battle Creek and Calhoun County; further, authorize the Board Chairwoman to execute said First Addendum on behalf of Calhoun County.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

CITIZENS' TIME:

Mr. Berezonsky advised that Marshall's River Clean-Up is this weekend.

COMMISSIONERS' TIME:

Comr. Bolger inquired regarding the process for applying for the Road Commissioner positions and the deadline for remitting applications.

Chairwoman Segal responded that she is attempting to “iron out” the details and hopes to share those details on the next Board agenda.

CLAIMS PAYABLE LISTINGS:

Res. 154-2007

“Motion by Comr. Solis, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners remove two {2} claims to Vendor No. 43122 Calhoun County Animal Shelter in the amounts of \$7,512.00 and \$9,288.00 from the September 18, 2007 claims listing for separate consideration.”

Voice Vote: Motion CARRIED

Comr. Solis advised that he received information that the bulk of the fees the Shelter charges the county are for animals held in cases that are being prosecuted. Comr. Solis stated that he had believed when the Board

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approved the Shelter agreement that it was for the day-to-day pick up of stray animals. Comr. Solis questioned why the Prosecutor's Office, or the cities, or police agencies should not share the cost. Comr. Solis requested the Shelter agreement be reviewed to determine what is covered as he cannot recall foster care being included. Comr. Solis stated that at the very least the invoices should be shifted to the Prosecutor's budget.

Res. 154-A-2007

“Motion by Comr. Solis, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners charge two {2} claims received from the Calhoun County Animal Shelter in the amounts of \$7,512.00 and \$9,288.00 to the Prosecuting Attorney's Business Unit.”

Comr. Solis stated that if the county is paying a daily rate, perhaps an agreement for pick up of animals and another agreement for holding animals should be negotiated, pointing out that the county is spending a large sum of money under the current agreement.

Comr. Solis withdrew his motion and Comr. Rae withdrew his support of the motion.

Res. 154-B-2007

“Motion by Comr. Solis, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners table two {2} claims received from the Calhoun County Animal Shelter in the amounts of \$7,512.00 and \$9,288.00 until the October 18, 2007 Board of Commissioners Meeting.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Res. 155-2007

“Motion by Comr. Solis, supported by Comr. Rae, adopt the following: Resolved by the Calhoun County Board of Commissioners approve payment of the list of claims against the county in the revised total amount of \$4,351,166.30 for the week of September 18, 2007; further, approve payment of the list of claims against the county in the total amount of \$884,144.80 for the week of September 25, 2007.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

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ANNOUNCEMENTS:

Chairwoman Segal announced that the next Board meeting shall be conducted in Battle Creek.

ADJOURNMENT:

The meeting adjourned at 8:15 p.m. at the call of the Chair.

mlb