

**CALHOUN COUNTY**  
**PROCEEDINGS OF THE**  
**BOARD OF COMMISSIONERS**

February 21, 2008

The Regular Session of the Calhoun County Board of Commissioners convened at 7:02 p.m., Thursday, February 21, 2008 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA/ADDENDUM:

“Motion by Comr. Solis, supported by Comr. Moore, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the February 21, 2008 agenda and addendum as presented.”

Voice Vote: Motion CARRIED

CITIZENS' TIME:

Dr. Bill Maier with the Family Health Center in Battle Creek congratulated the Board for establishing the smoking regulation and the outstanding job the Health Department has done in implementing the regulation.

Ms. Julia Williams of Oaklawn Hospital also commended the Board for approving the smoking regulation.

Mr. Gardy Berezonsky, Marengo Township resident, voiced displeasure with the proposed five-year lobbyist agreement with the Sheriff Department. Mr. Berezonsky stated that as a taxpayer he does not want his money to be used to pay for a lobbyist group.

Mr. Berezonsky advised that he has seen the smoking regulation signs, however, pointed out that the signs do not say anything about the 25 foot requirement.

Mr. Jerry Keller, Battle Creek resident, advised that he lives on East Michigan Avenue, and that the Road Commission is not taking care of the roads. Mr. Keller stated that he saw county Road Commission trucks driving down the road, and they never dropped their blades once.

SPECIAL ORDER OF BUSINESS:

Chairwoman Segal read the following tribute into the record.

Res. 25-2008

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

**WHEREAS, HARRIET C. HENDERSON, at the young age of 91 ½ years, has decided to retire from her career as reporter for WBCK Radio Station.**

**Harriet has been covering Battle Creek and Calhoun County Government meetings since the 1960s, most recently for WBCK Radio Station, however, for more than four decades providing her reports for the Television Stations of WOOD, WUHQ and WKZO; and Radio Stations WKNR and WNNW.**

**Harriet has always been interested in government and what the local officials determine for improving the communities, and has thoroughly enjoyed her association with the various different commissions and authorities, and talking with the officials to fully understand their decisions in her quest for thorough and even-handed reports; and**

**WHEREAS, Harriet, because she is such a positive, and remarkable woman, shall be missed so much.**

**THEREFORE, WE, the Calhoun County Board of Commissioners, congratulate and thank Harriet Henderson for such a long and dedicated career lasting more than FORTY YEARS {40+}. You have much to be proud of and we are sure many wonderful memories; and**

**BE IT FURTHER RESOLVED, that we wish you many happy years in your well deserved retirement.”**

Voice Vote: Motion CARRIED

Chairwoman Segal stated that Harriet’s health has taken a turn for the worse, which is why she is not present tonight. Chairwoman Segal advised that members of the Board shall personally deliver the tribute to Harriet.

“Ervin R. Brinker Day” Proclamation

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Comr. Arnquist read the proclamation into the record.

Res. 26-2008

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

WHEREAS, ERVIN R. BRINKER has been honored as *Scene Magazine*’s Man of the Year; and

WHEREAS, Ervin Brinker is being recognized for his commitment to helping our community understand that mental health is only a part of larger health care issues facing our community; and

WHEREAS, Ervin Brinker’s leadership has affected many individuals, families and organizations in a positive way and has had a significant impact on health care in our community; and

WHEREAS, Erv has consistently pulled organizations together to form programs that can serve in a better way and through these collaborations creatively share resources to implement programs to provide a better life for everyone.

THEREFORE, the Calhoun County Board of Commissioners join with Scene Magazine and many others within the community in recognizing Erv’s contributions to his community and offer our congratulations for a job well done; and

HEREBY, Proclaim February 28, 2008

**“ERVIN R. BRINKER DAY”**

Voice Vote: Motion CARRIED

Battle Creek/Calhoun County Convention and Visitors Bureau Activities Presentation

Bureau Board Chairwoman Nancy Schuler introduced Board Members John Byrd, Ann Petredean, Greg Purcell; and Bureau Director Dwight Butts.

Mr. Butts advised that the Board is comprised of 17 members, an increase of two this year. Mr. Butts addressed the Bureau’s activities in 2007; e.g., conducting a market analysis for a new or expanded Kellogg Arena with the addition of a convention center to determine the impact on tourism; and another study to assess the outdoor sports facilities, which is the Bureau’s number one marketing area in Calhoun County.

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Mr. Butts advised that in 2006 the Bureau, through funding by the Kellogg Foundation, conducted a study which yielded 53 recommendations. Mr. Butts stated that four recommendations were not included in the Board's resolution; however 49 recommendations have been implemented or are in progress, and the remaining recommendations shall take longer to assess.

Mr. Butts reported that the Bureau paid for the last 3 studies and therefore, only spent \$13,000 for advertising. Mr. Butts advised that this year the Bureau shall be purchasing \$120,000 of advertising. Mr. Butts continued that the Bureau produced a visitors guide and market significantly on the Bureau's website. Mr. Butts advised that since the Bureau launched the new website in July 2007 there has been over 76,000 visits to the site by January 2008. Mr. Butts further advised that the Bureau's task force has been attending a lot of trade shows to distribute materials and generate interest in Calhoun County's events.

Mr. Butts addressed 2008 priorities; i.e., promotion of a convention and trades show facility, expansion of the county's outdoor sports facilities, expansion of tourist attractions, increased marketing of sports tournaments, and increasing communication and cooperation with businesses to take advantage of tourism events. Mr. Butts advised that the Bureau is actively working to establish a program to train businesses regarding how to "tap" into the tourism business.

Comr. Moore inquired how far out of Battle Creek the Bureau is considering for new sports facilities. Mr. Butts responded that the Bureau is looking all over the county. Mr. Butts pointed out that one advantage that Battle Creek offers is that the City owns some land that could be built upon, however, advised that the Bureau is looking at all avenues both in and outside of Battle Creek.

Comr. Todd inquired who comprises the task force. Mr. Butts responded that the task force is comprised of Board members and staff. Comr. Todd inquired whether the task force is comprised of any minorities. Mr. Butts responded that he cannot say that there are any minorities on the task force. Comr. Todd suggested Mr. Butts consider having a minority on the task force.

Comr. Bolger stated that he hopes the Bureau shall take an active role in developing the Calhoun County Fairgrounds; further, in partnering with the Tribe regarding the new casino. Mr. Butts advised that the Bureau is on excellent terms with the Tribe, and that the Tribe has come before the Board to provide a presentation and that he has met with a Tribal Council member and Ms. Spurr on many occasions. Mr. Butts further advised that the Bureau is attempting to find additional developers to build around the casino, including the existing developer.

Comr. Bolger encouraged the Bureau to consider development around Exit 110.

Res. 27-2008

"Motion by Comr. Bolger, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners to address Agenda Items 7.E. – Special Tribute to

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William Rhoades, 8. -- Consent Agenda, and 9. -- Special Committee/Workshop/Board Reports prior to Item 7.D. -- Legacy Scholars Program Presentation.”

Voice Vote: Motion CARRIED

Special Tribute to William Rhoades

Comr. Bolger read the tribute into the record.

Res. 28-2008

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

WHEREAS, on behalf of the citizens of Calhoun County, it is with great admiration that we extend our appreciation to Mr. William Rhoades for his service as director of the Fort Custer National Cemetery; and

WHEREAS, Mr. Rhoades came to Fort Custer in October 2006 after serving as director of the Camp Butler National Cemetery in Springfield, Illinois; and

WHEREAS, during his tenure, William has furthered the well-deserved reputation of the Fort Custer National Cemetery by upholding the highest standards and expectations and in so doing, has earned the respect and admiration of his staff, Advisory Committee members, veterans, and community members. William has also distinguished himself by working diligently to improve connections with surrounding communities and promote greater awareness of the cemetery and its mission; and

WHEREAS, it is undoubtedly this commitment to excellence that resulted in his promotion to director of the Long Island National Cemetery in Farmingdale, N.Y.; and

WHEREAS, the people of Calhoun County hereby wish to thank William Rhoades for his care and stewardship of one of America’s finest national cemeteries; and

WHEREAS, we join with our fellow citizens in thanking William Rhoades for his 27 years of honorable and faithful service to our country as a member of the United States Coast Guard, and for his devotion to serving our nation’s veterans and their families following his retirement in 2003.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners hereby salutes William Rhoades for his outstanding service to the citizens of Calhoun County and the State of Michigan and wishes him the best of luck in his new position and all his future

endeavors.”

Voice Vote: Motion CARRIED

Chairwoman Segal advised that the tribute was presented to Mr. Rhoades at his going away event.

**SPECIAL ORDER OF BUSINESS CONTINUED ON PAGE 33**

**CONSENT AGENDA:**

**Res. 29-2008**

“Motion by Comr. Moore, supported by Comr. Arnquist, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following February 21, 2008 Consent Agenda as presented:

**A. Petitions, Communications, Reports:**

- (1) January 18, 2008 Order Modifying and Approving Streambank Erosion Plan for the City of Marshall’s Hydroelectric Project received from the U.S. Federal Energy Regulatory Commission. (Received and placed on file)
- (2) Copy of a communication received from Pennfield Schools addressing snow plowing. (Received and placed on file)
- (3) Application Amendment for Additional Credited Service for James McDonagh to 3 Years, 0 Months for Total Estimated Actuarial Cost of \$49,991.00. (Received and placed on file)

**B. Resolutions:**

- (1) Area Agency on Aging Advisory Committee Appointment  
(Term Expires December 31, 2009)  
  - {a} Barbara Mason -- At Large Member
- (2) Calhoun County Security Committee Appointment  
(Term Expires December 31, 2009)  
  - {a} Mike Horn -- Replacing Rick Ozzello

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- (3) Emergency Telephone District Board Appointments
  - {a} Scott MacDonald -- Marshall City Representative  
(Replacing Michael Olson)
  - {b} Bob Keissling -- Alternate for Scott MacDonald  
(Replacing Bret Pehrson)
  - {c} Frank Post -- Calhoun County Fire Chiefs Council Representative  
(Replacing Bill Hankinson)
  
- (4) Kalamazoo Community Mental Health & Substance Abuse Services Advisory Board Appointments (Terms Expire December 31, 2008)
  - {a} Eusebio Solis
  - {b} Mike Rae
  - {c} Gregory Moore -- Alternate”

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Emergency Telephone District Board

Emergency Telephone District Board Member Bolger reported that the surcharge rate was delivered to the EMTC by Mr. Purcell, Sheriff Byam, Commissioner Moore and himself, and the EMTC has recommended approval of the rate.

RECESS:

Res. 30-2008

“Motion by Comr. Moore, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners recess the February 21, 2008 Board Meeting to provide for equipment set up.”

The meeting recessed commencing at 7:54 p.m. until 8:00 p.m.

SPECIAL ORDER OF BUSINESS CONTINUED:

Legacy Scholars Program Presentation

Program Director Paula Langston-Ware advised that the Program was developed in 2005 through a \$4 Million endowment established by the Kellogg Foundation. Ms. Langston-Ware stated that the Program focuses upon making high school diplomas and college degrees a reality for Battle Creek youth. Students are eligible as sixth graders. Ms. Langston-Ware advised that the Program offers students a scholarship for two years of education at Kellogg Community College (KCC) upon timely graduation from either Battle Creek Public Schools or the Lakeview School District. Ms. Langston-Ware stated that the scholarship also pays for required textbooks, and supplements any other grants or scholarships that a student may receive to attend KCC.

Ms. Langston-Ware continued that when the Program originated 500 students were selected for the scholarships, however, in the Spring of 2006, the Legacy Scholars Board of Directors decided to expand the Program to include all sixth grade students attending Battle Creek Public Schools and the Lakeview School District. Ms. Langston-Ware advised that to be considered students must be enrolled at the beginning of their sixth grade in either of the two school districts and continually attend school in those districts and participate in Legacy Scholars sponsored programs and activities. If a student is withdrawn from Battle Creek Public Schools or the Lakeview School District at any time between the sixth grade and high school graduation, the student will no longer be eligible as Legacy Scholars. Students can, however, move between the two districts and remain eligible for the Legacy scholarship.

Comr. Arnquist stated that it would be nice if the children could use the scholarships to apply to a school of their choice. Ms. Langston-Ware advised that the Board of Directors has explored that, as Legacy Scholars' goal is to assist the children to go on to college where they choose to, and is working on a college packaging system. Ms. Langston-Ware stated that Legacy Scholars helps the student with acquiring scholarships through other schools also.

Comr. Moore inquired whether the Program covers someone in ROTC. Ms. Langston-Ware responded Yes.

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

New Per Diem for BICE Detainees, FY 2008 Budget Amendment and  
Sheriff Department Consultant Services Agreement

Sheriff Allen Byam advised that there has been an increase in the per diem rate from \$58.14 to \$63.16 for housing federal detainees under the jurisdiction of the Bureau of Immigration and Customs Enforcement which shall provide significant additional revenue of \$200,000 for 2007 and \$500,000 in 2008.

County Administrator/Controller Greg Purcell advised that the Budget Committee recommends that the additional revenue be allocated as follows: \$50,000 towards the purchase of two transport vehicles for transporting the federal detainees; \$92,000 to provide the funding for a contract with the county, Sheriff, and

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Greenberg Traurig, LLP; \$31,025 to the Capital Improvement Program; and that \$137,226 be unallocated within the General Fund fund balance for future determination. Mr. Purcell pointed out that the additional revenue amounts are estimates, which could be more or less.

Mr. Purcell addressed the agreement for consulting services, advising that it is negotiated on an annual basis. Mr. Purcell advised that the appropriation is for \$92,000. The agreement is for \$90,000. Mr. Purcell advised that the other \$2,000 is for associated expenses.

Res. 31-2008

“Motion by Comr. Bolger, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners to jointly address Agenda Item No. 11.A. (2) {a} -- New Per Diem for BICE Detainees and 2008 Budget Amendment and No. 11.A. (2) {b} -- Sheriff Department Consultant Services Agreement.”

Roll call vote: Yes - 6 (Comrs. Todd, Arnquist, Bolger, Moore, Segal and Solis)  
Excused - 1 (Comr. Rae)  
Motion CARRIED

Res. 32-2008

“Motion by Comr. Solis, supported by Comr. Bolger, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the per diem rate for housing BICE (Bureau of Immigration and Customs Enforcement) at the rate of \$63.16, and approve the 2008 budget amendments (ATTACHMENT A) as presented by the County Administrator/Controller; further, approve the Retainer Agreement for Services Related to the Housing of Federal Prisoners in the Calhoun County Jail between Joseph Summerill of Greenberg Traurig LLP and the Office of the Calhoun County Sheriff, in partnership with the Calhoun County Board of Commissioners commencing March 1, 2008 through February 28, 2009 with four one year option renewal periods for a total term of five (5) years for the annual amount of \$90,000; and finally, authorize the Board Chairwoman to execute said Retainer Agreement on behalf of the Sheriff Department and Calhoun County.”

Roll call vote: Yes - 6 (Comrs. Arnquist, Bolger, Moore, Segal, Solis and Todd)  
Excused - 1 (Comr. Rae)  
Motion CARRIED

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Finance Director Mark Stuhldreher advised that for the first month of the year there really is nothing at this time to report.

Resolution Authorizing General Obligation Limited Tax Refunding Bonds  
City of Marshall, Series 2008

Mr. Purcell advised that the bonds are for the City of Marshall's water supply system, and that the Board of Public Works and the City have both approved the refunding resolution for \$2,500,000. Mr. Purcell stated that the refunding shall save the City \$184,000.

Marshall City Deputy Treasurer Tracy Hovarter advised that the City unanimously approved the resolution.

Res. 33-2008

“Motion by Comr. Solis, supported by Comr. Arnquist, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Resolution Authorizing General Obligation Limited Tax Refunding Bonds (City of Marshall), Series 2008 (ATTACHMENT B).”

Roll call vote: Yes - 6 (Comrs. Bolger, Moore, Segal, Solis, Todd and Arnquist)  
Excused - 1 (Comr. Rae)  
Motion CARRIED

FY 2008 Friend of the Court Cooperative Reimbursement Program Agreement Amendment

Res. 34-2008

“Motion by Comr. Moore, supported by Comr. Solis, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the FY 2008 Friend of the Court Cooperative Reimbursement Program Agreement Amendment #1, CSFOC 08-13001, as submitted by the Friend of the Court to acknowledge state funding for IV-D program local match; further, authorize the Board Chairman to sign the Amendment to the Agreement.”

Roll call vote: Yes - 6 (Comrs. Moore, Segal, Solis, Todd, Arnquist and Bolger)  
Excused - 1 (Comr. Rae)  
Motion CARRIED

CITIZENS' TIME:

Mr. Creighton Burrows, Marshall resident, stated that he believes if the Battle Creek/Calhoun County Convention and Visitors Bureau would eliminate Battle Creek from their name, it would better serve the entire

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county.

Mr. Burrows stated that Marshall has not grown in a long time, however, that just a year ago a developer wanted to develop in Marengo Township and no one from the Convention and Visitors Bureau appeared before the Township to support the project, and the Township voted against the development. Mr. Burrows further stated that Marshall has suffered since the jail and courts were relocated to Battle Creek.

Mr. Berezonsky advised that on the claims listings from the previous Board meeting there had been an expenditure of \$86 for lunch for an interview panel. Mr. Berezonsky questioned why the taxpayers should have to buy lunch at a restaurant for those conducting an employee job interview.

COMMISSIONERS' TIME:

Comr. Todd congratulated the residents of Cherry Hill Manor for their Tenant's Board election.

Comr. Arnquist announced that this Saturday is the 23<sup>rd</sup> annual Walk For Warmth. Comr. Arnquist pointed out that the contributions are tax deductible. Comr. Arnquist advised that the Walk shall commence from the United Methodist Church in Battle Creek, and from the First Methodist Church in Albion at 10:00 a.m.

CLAIMS PAYABLE LISTINGS:

Res. 35-2008

“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 \$688,211.98 for the week of February 5, 2008; further, approve payment of the list of claims against the county in the total amount of \$1,192,900.37 for the week of February 12, 2008.”

Roll call vote: Yes - 6 (Comrs. Segal, Solis, Todd, Arnquist, Bolger and Moore)  
Excused - 1 (Comr. Rae)  
Motion CARRIED

ANNOUNCEMENTS:

Comr. Todd wished his eldest brother a Happy Birthday on February 26.

ADJOURNMENT:

The meeting adjourned at 8:47 p.m. at the call of the Chair.

mlb