

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

January 22, 2009

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, January 22, 2009 in the Commissioners Meeting Room, County Building, 315 West Green Street, Marshall, Michigan.

Roll Call: Present: Comrs. Camp, Gerow, Haadsma, Rae and Rocho. Temporarily Excused: Comr. Todd (Arrived at 7:25 p.m.). Chairman Rae advised that Commissioner Todd is attending his daughter's piano recital.

Staff Present: Asst. County Administrator Bradley Wilcox, Finance Director Mark Stuhldreher, Interim County Administrator Don Gilmer, Veterans Services Officer Jude Lonergan, Road Commissioner Scott Brown, Human Resources Manager Kim Archambault, Senior Services Manager Carl Gibson and Deputy Clerk/Board Aide Mary Lou Barrett.

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA:

“Motion by Comr. Camp, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the January 22, 2009 agenda as presented.”

Voice Vote: Motion CARRIED

CITIZENS' COMMENTS:

Mr. John LaPietra, Marshall resident, advised that he is looking forward to hearing what the Board and staff have to say regarding Item 7.A. (3) - Communication opposing the issuance of a wetland excavation permit.

Mr. Tim Phelps of the Michigan Attorney General's Office, stated that he is present to hear what is occurring in the counties of Michigan, and to advise that the Attorney General's Office has many resources regarding identify theft, how to prevent fraud, and foreclosures that are available to the residents.

CONSENT AGENDA:

Res. 15-2009

“Motion by Comr. Gerow, supported by Comr. Haadsma, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following January 22, 2009 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Copy of a communication remitted to Lear Technologies LLC received from the Michigan Department of Treasury advising that the real property component(s) of Industrial Facilities Exemption Certificate Nos. 1999-299 and 2005-023 have been revoked. (Received and placed on file)
- (2) Rescinding Traffic Control Order PA-R 13-188-08, rescinding Traffic Control Order PA 13-152-43 controlling parking on state trunk line highway US-12A in the City of Battle Creek received from the Michigan Department of Transportation. (Received and placed on file, with a copy remitted to Road Commission Managing Director Kevin Henning)
- (3) Copy of a communication remitted to the Michigan Department of Environmental Quality received from Ms. Sandra Nordmark, Ceresco resident, opposing the issuance of a permit {08-13-0029-P} for excavation of a wetland. (Received and placed on file, with a copy remitted to the Board of Commissioners)”

Voice Vote: Motion CARRIED

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Chairman Rae advised that committee assignments were issued yesterday.

PETITIONS AND NEW BUSINESS:

County Administrator/Controller’s Report

Service Fee Sharing Agreement

Interim County Administrator/Controller Don Gilmer advised that the Service Fee Sharing Agreement is part

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of the county's role as the grant applicant on behalf of the City of Battle Creek for the United Solar Ovonix project. Mr. Gilmer stated that the service fee shall eventually reimburse the county for costs in administering the grant.

Res. 16-2009

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

WHEREAS, United Solar Ovonix, a Michigan for profit corporation, of 3800 Lapeer Road, Auburn Hills, Michigan 48326, has purchased three parcels of land in the Battle Creek Industrial Park plat as part of an initial manufacturing development and has acquired an option agreement to purchase an additional eight parcels of real estate for future expansion (hereinafter “the Parcels”); and

WHEREAS, United Solar Ovonix received a Renaissance Zone designation for the Parcels; and

WHEREAS, United Solar Ovonix has additionally applied for and has received Industrial Facility Exemption Certificates and Personal Property Exemptions for the Parcels and the improvements to be made upon the Parcels; and

WHEREAS, United Solar Ovonix has entered into an Agreement with the City of Battle Creek, Michigan entitled “City of Battle Creek Renaissance Zone Service Agreement” which among other things, requires United Solar Ovonix to pay an amount equal to 3.5 mills applied to all real and personal property that would be taxable but for the existence of the Renaissance Zone designation and tax exemption pursuant to 1974, PA 198 and 1998 PA 328, (hereinafter the Service Fee); and

WHEREAS, the Service Fee is first payable to the City of Battle Creek; and

WHEREAS, the BCTIFA has or will expend significant sums in the improvement and/or the protection of the Parcels and the facilities constructed upon the Parcels or personal property purchased to allow United Solar Ovonix to carry on its operations; and

WHEREAS, the County may incur administrative costs with respect to community block grant funds; and

WHEREAS, the City, the BCTIFA and the County agree that the Service Fee should be shared in some proportion between them while the Renaissance Zone and tax exemptions are in effect.

NOW, THEREFORE, IT IS AGREED as follows:

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1. The City shall collect the Service Fee annually in accordance with the Service Fee Agreement.
2. The City shall first deduct from said Service Fee the statutory school millages (debt and sinking fund), then retain 40% of the balance for its own operations and pay 55% of the balance to the BCTIFA and 5% to the County.
3. This Service Fee Sharing Agreement shall remain in effect and the Service Fees shared between the parties to this Agreement for so long as the Renaissance Zone designation (presumably for a 15 year maximum period of time) and tax exemptions remain in effect (presumably for a 12 year maximum period of time) for so long as the Service Fee is paid in lieu of taxes.”

Roll call vote: Yes - 5 (Comrs. Rocho, Camp, Gerow, Haadsma and Rae)
Temporarily Excused - 1 (Comr. Todd)
Motion CARRIED

Indigent Defense Services Agreement First Amendment

Mr. Gilmer advised that an amendment is required to the Indigent Defense Services Agreement with Indigent Defense Contractor Mark Webb and Attorney James Jordan to relieve Atty. Webb from his obligations under the Agreement and make Atty. Jordan eligible to receive appointments under the original terms and conditions of the current Agreement.

Mr. Gilmer stated that at some point the Board may wish to authorize county Administration to execute these types of agreements.

Res. 17-2009

“Motion by Comr. Haadsma, supported by Comr. Gerow, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the First Amendment to the Indigent Defense Services Agreement between the County of Calhoun, the Thirty-Seventh Judicial Circuit Court, and Indigent Defense Contractor Mark E. Webb, and Attorney James L. Jordan as presented; further, authorize the Board Chairman to execute said First Amendment on behalf of Calhoun County.”

Roll call vote: Yes - 5 (Comrs. Camp, Gerow, Haadsma, Rae and Rocho)
Temporarily Excused - 1 (Comr. Todd)
Motion CARRIED

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Department of Human Services Office Lease Agreement Addendum

Asst. County Administrator Bradley Wilcox advised that the Department of Human Services currently occupies 34,569 square feet of office space on two floors of the Toeller Building, and that the Addendum shall increase the amount of space leased by an additional 1,850 square feet located on the third floor and shall result in an additional \$637,047 in revenue over the life of the lease agreement.

Comr. Rocho inquired regarding the process to ensure that the county's space needs are met prior to leasing out space. Mr. Wilcox responded that Administration always reserves some space within the lower level of the building, as in the County Building, for growth within the county.

Comr. Rocho noted that within the Lease Agreement is provision for renovations, and inquired whether the cost of those renovations has been built into the lease amount. Mr. Wilcox responded that the cost of renovations has been spread over the first ten years of the lease.

Res. 18-2009

“Motion by Comr. Haadsma, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners approve Addendum #1 to the Lease {No. 2524-2007} between the County of Calhoun and the State of Michigan Department of Management and Budget for the Department of Human Services' lease of office space at property located at 190 East Michigan Avenue, Battle Creek, Michigan to provide an additional 1,850 square feet of office space; further, authorize the Board Chairman to execute Addendum #1 to said Lease Agreement on behalf of Calhoun County.”

Roll call vote: Yes - 5 (Comrs. Camp, Gerow, Haadsma, Rae and Rocho)
Temporarily Excused - 1 (Comr. Todd)
Motion CARRIED

Michigan Department of Corrections Office Lease Agreement

Mr. Gilmer advised that Administration has negotiated an Office Lease Agreement with the Michigan Department of Corrections for lease of 3,980 square feet of office space located within the Toeller Building.

Mr. Wilcox advised that the Lease Agreement is for a duration of up to twenty years and could generate revenue in the amount of \$1.3 Million over the entire duration of Agreement. Mr. Wilcox advised that the space shall be utilized to house probation supervisory personnel; further, that remodeling costs have been built into the Agreement.

Comr. Haadsma stated that he has noted some building access changes at the Toeller Building, advising that the south side entrance is now closed. Comr. Haadsma voiced concern regarding how consumer friendly the

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accesses are and also whether sufficient parking is available, pointing out that most of the parking spaces at the front of the building are paid parking spaces. Comr. Haadsma advised that in discussing these issues, and the compatibility of those renting space there in relation to the people requiring the services, with an administrator within the Building he believes that approving this lease is the best way to proceed and that the cost of the lease is appropriate. Comr. Haadsma advised that Mr. Wilcox has explained the need for greater security on the south side of the building.

Mr. Wilcox advised that prior to negotiating the lease Administration surveyed the lot in the morning and afternoon to ensure that there is adequate parking, and there is. Mr. Wilcox advised that the paid parking spaces are closer to the Justice Center and that county staff and attorneys utilize those parking spaces. Mr. Wilcox stated that it would be difficult to control the parking, which is handled by Ampco Parking. Mr. Wilcox advised that parking tokens are provided through the W.I.C. Program. Mr. Wilcox stated that he is still in discussion regarding fencing and a gate, and shall consider removing the paid parking spaces.

Res. 19-2009

“Motion by Comr. Haadsma, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the ten-year {10} Office Space Lease Agreement {#11394-2008}, with the option for two additional five-year lease periods, between the County of Calhoun and the State of Michigan Department of Management and Budget for the Department of Corrections for lease of 3,980 square feet of office space within the G.W. Toeller Professional Building located at 190 East Michigan Avenue, Battle Creek, Michigan; further, authorize the Board Chairman to execute said Lease Agreement on behalf of Calhoun County.”

Roll call vote: Yes - 6 Motion CARRIED Unanimously

Amendment of County Policy No. 306 - Job Openings and
Amendment of Resolution 217-2008 (2009 Hiring Freeze)

Mr. Gilmer stated that the Hiring Freeze was approved at the December 18, 2008 Board Meeting. Mr. Gilmer stated that the Human Resources Department recommends that the Board amend Policy No. 306 to incorporate the hiring freeze waiver procedures, and to amend the Hiring Freeze removing the procedures. Mr. Gilmer advised that the Human Resources Manager and the Finance Director shall be included in the make up of the committee that reviews positions; further pointed out that the formal annual freeze waiver report to the Board shall be eliminated, however, shall be available.

Res. 20-2009

“Motion by Comr. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners amend County Policy No. 306 - Job Openings, as

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presented; further, amend Board Resolution No. 217-2008 (2009 Hiring Freeze) removing the Hiring Freeze procedures from the resolution, for incorporation within County Policy No. 306 with minor revisions.”

Roll call vote: Yes - 6 Motion CARRIED Unanimously

Economic Stimulus Package Discussion

Mr. Gilmer advised that he shared with Board members via the internet and placed within the Commissioners’ mailboxes information received regarding the economic stimulus package being discussed in Washington. Mr. Gilmer further advised that he was contacted by Channel 8 inquiring what the county is looking for. Mr. Gilmer advised that he addressed the county’s capital needs and working with Mr. Wilcox identified a number of projects; i.e., Justice Center roof replacement and the new E 9-1-1 Dispatch Center within the County Building. Mr. Gilmer continued that he shared the list with Congressman Schauer and both United States Senators, and has received a directive from the Governor’s Office that may serve as the coordinating agency in organizing fund-able projects.

Michigan Association of Counties’ 2009 Legislative Conference

Mr. Gilmer addressed his email to Board members advising of the Michigan Association of Counties’ 2009 Legislative Conference which is forthcoming in February. Mr. Gilmer stated that he believes the Conference would be beneficial for new Board members. Mr. Gilmer stated that there is still time to get registered and that Ms. Barrett would be happy to assist with the registrations.

CITIZENS’ COMMENTS:

Road Commission Chairman Scott Brown advised regarding the economic stimulus package, that the Road Commission is prepared to take advantage of any stimulus funding with a list of projects should the funding be granted.

Mr. LaPietra welcomed new Board members and staff, and thanked Ms. Barrett for assisting him by providing information. Mr. LaPietra advised that he has been attending a number of governing board meetings to gather information on all of the boards; i.e., school boards, library boards, city commissions, etc., in an effort to let citizens know what is going on whereby they may offer useful recommendations. Mr. LaPietra encouraged anyone wishing to assist with his effort to contact him at (269) 781-9478 or jalp@triton.net.

Mr. LaPietra stated that he would still like to hear the Board’s comments regarding Item 7.A. (3), and thanked Ms. Barrett for providing him with a copy of the communication.

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COMMISSIONERS' TIME:

Chairman Rae advised that he has been conferring with Mr. Gilmer and Board members regarding the possibility of having a session with a facilitator to build Board unity and cooperation, and that Mr. Gilmer has located a facilitator who is highly recommended and could be available for a session on either the 7th or the 14th of March. Chairman Rae advised that he requested a session in March to afford the new County Administrator/Controller who commences work on February 17 the opportunity of attending.

Mr. Gilmer advised that he contacted Dr. Lewis G. Bender who has been recommended by others who have gone through this type of session; e.g., Mr. Ervin Brinker and the City of Marshall. Mr. Gilmer advised that he placed information regarding Dr. Bender in the Commissioners' mailboxes. Mr. Gilmer stated that a strategic planning session would be a logical follow-up session at some point "down the road." Mr. Gilmer stated that he believes the unity session would be a very positive endeavor. Mr. Gilmer pointed out that both recommended dates are on a Saturday.

Chairman Rae advised that he also requested Mr. Gilmer seek out some other facilitators for the long-range strategic planning session, and is hopeful that the planning session can also be conducted in March, perhaps the following Saturday.

Comr. Haadsma inquired regarding the cost of the session and the facilitator. Mr. Gilmer responded that he does not have a quote back from Dr. Bender yet, however, that the dates for a session have been confirmed. Mr. Gilmer advised that as soon as he receives the quote he shall provide it to Board members.

Comr. Camp stated that she believes that Board members have had opportunities to interact and have demonstrated their cooperation, therefore, she would rather that the Board proceed with the long-range strategic planning session.

January 29, 2009 Special Board of Commissioners Meeting Discussion

Mr. Gilmer advised that the Board has scheduled a Special Session for January 29 to conduct the interviews of the 7th District Commission candidates. Mr. Gilmer advised that five candidates have applied. Mr. Gilmer questioned whether the Board wishes to proceed with the Special Meeting or conduct the interviews at the February 5 Board Meeting.

Brief discussion regarding the Application Committee. Chairman Rae requested Mr. Gilmer contact the Committee Chairperson Anne Norlander to conduct the Committee meeting on Friday, January 23 at 5:00 p.m.

Mr. Gilmer again inquired whether there is need for the Special Session.

Comr. Rocho stated that she would prefer to conduct the interviews at the Special Session to ensure adequate time. Consensus of the Board is to conduct the interviews at the January 29 Special Session. Comr. Camp

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questioned whether the Special Session can be rescheduled to 6:00 p.m. Mr. Gilmer responded that he discussed the issue with Mr. Triemstra, who advised that the Session can be rescheduled to any time.

Res. 21-2009

“Motion by Comr. Camp, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners reschedule the January 29, 2009 Special Session of the Board of Commissioners to commence at 6:00 p.m. rather than at 7:00 p.m.”

Voice Vote: Motion CARRIED

Comr. Todd advised that he attended his daughter’s piano recital tonight, and that she played Yankee Doodle like he has never heard it before. Comr. Todd stated that he is a proud father tonight.

CLAIMS PAYABLE LISTING:

Res. 22-2009

“Motion by Comr. Rocho, 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 \$693,950.09 for the two {2} weeks ending January 13, 2009.”

Roll call vote: Yes - 6 Motion CARRIED Unanimously

ADJOURNMENT:

The meeting adjourned at 8:02 p.m. at the call of the Chair.

mlb