

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

April 1, 2010

The Regular Session of the Calhoun County Board of Commissioners convened at 7:02 p.m., Thursday, April 1, 2010 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

Roll Call: Present: Comrs. Camp, Gerow, Haadsma, Lee, Rae and Todd. Excused: Comr. Rocho.

Staff Present: Corporation Counsel Richard Lindsey, Jr., Human Resources Manager Kim Archambault, Finance Director Mark Stuhldreher, County Administrator/Controller Kelli Scott, Senior Services Manager Carl Gibson and Deputy Clerk/Board Executive Secretary Mary Lou Barrett.

INVOCATION AND PLEDGE OF ALLEGIANCE:

A Moment of Silence was observed; followed by the Pledge of Allegiance, led by Comr. Todd.

APPROVAL OF AGENDA:

“Motion by Comr. Todd, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the April 1, 2010 agenda as presented.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

“Motion by Comr. Todd, supported by Comr. Gerow, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the March 18, 2010 minutes and the March 19, 2010 minutes as presented.”

Voice Vote: Motion CARRIED

CITIZENS' COMMENTS:

Calhoun County Conservation District Coordinator and Calhoun County Trailway Alliance Member James Coury, stated that the Alliance supports Corporation Counsel's recommendation of a new effective date for the phosphorus ban.

**Board of Commissioners  
April 1, 2010**

Battle Creek City Planner Chris Kosmowski voiced support of the new effective date of the fertilizer regulation.

Mr. Bob Coward, Battle Creek resident, pointed out that the fertilizer regulation is a violation of state law. Mr. Coward proposed amendment of Section 10 to allow the Health Department the discretion to abate, reduce or not enforce fines and penalties if it determines that the applicator acted in good faith and believed the fertilizer to contain no phosphorus.

Mr. Mike Dearing, Marshall resident, thanked members of the Board for listening. Mr. Dearing stated that he believes the regulation is a bad idea, and advised that his issue is the timing. Mr. Dearing advised that in the next ninety days he does forty percent of his annual business with lawn and garden sales, including the sale of fertilizer.

Substance Abuse Council Director Suzanne Horsfall thanked the Board for supporting substance abuse services in Calhoun County.

Ms. Cheryl Vosburg, Marshall resident, encouraged the Board to support the fertilizer regulation with the proposed new effective date.

SPECIAL ORDER OF BUSINESS:

Alcohol Awareness Month Proclamation

Chairman Rae, accompanied by Comr. Gerow, presented the following proclamation to Substance Abuse Council Director Suzanne Horsfall.

Res. 46-2010

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

WHEREAS, alcohol use by young people is dangerous because of risks associated with acute impairment, and threats to long-term development and well-being, and

WHEREAS, it is illegal to give or allow underage youth to drink alcohol in your home, even with their parents’ permission, and

WHEREAS, anyone found guilty of providing alcohol to underage youth can face up to a \$1,000 fine and sixty days in jail, in addition to any civil action that can be brought as a result of damages or injury related to the offense, and

**Board of Commissioners  
April 1, 2010**

WHEREAS, each year approximately 5,000 people under the age of 21 die as a result of underage drinking. These deaths occur from motor vehicle crashes, homicides, suicides, falls, burns, and drowning, and

WHEREAS, alcohol abuse is linked to as many as two-thirds of all sexual assaults and date rapes of teens and college students and is a major factor in unprotected sex among youth, increasing their risk for unplanned pregnancy and sexually transmitted infections; and

WHEREAS, youth that consume alcohol before the age of 15 are 40% more likely to develop alcohol dependence as adults. However, if consumption of alcohol can be delayed until the legal age of 21, serious alcohol-related problems can be reduced by 70%.

- Local leaders and alcohol free youth throughout the county are invited to help prevent underage drinking by volunteering to teach 5<sup>th</sup> grade students about the dangers of alcohol during April and May. The Substance Abuse Council will provide training and materials for “Teach-In” presenters.
  
- Residents, parents, educators, business owners, community leaders, and youth are encouraged and welcomed to join the Substance Abuse Council’s Underage Drinking Prevention Forum to meet the year-round challenge to reduce and prevent underage drinking.

WHEREAS, the Calhoun County Board of Commissioners ask residents to refuse to provide alcoholic beverages to underage youth and to take necessary action to prevent this illegal and unhealthy practice, including reporting underage drinking by calling their local law enforcement.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners not only discourage the use of alcohol by those below the legal age of consumption but also exhorts all residents of Calhoun County to refuse to provide alcoholic beverages to those underage youth, and will continue to take necessary action to prevent this illegal and unhealthy activity. The Calhoun County Board of Commissioners call upon all citizens, parents, youth, governmental agencies, public and private institutions, businesses and workplaces, hospitals, and schools in Calhoun County to support efforts that will reduce and prevent underage drinking in our community.”

Voice Vote: Motion CARRIED

National County Government Month Proclamation

**Board of Commissioners  
April 1, 2010**

Res. 47-2010

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

WHEREAS, the nation’s 3,068 counties provide a variety of essential public services to communities serving 300 million Americans; and

WHEREAS, Calhoun County and all counties take seriously their responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

WHEREAS, county governments are integral to America’s healthcare system and are unique in their responsibility to both finance and deliver health services through public hospitals and clinics, local health departments, long-term care facilities, mental health services and substance abuse treatment, and coverage programs for the uninsured; and

WHEREAS, as employers, counties provide health insurance benefits to nearly three million county employees and their retirees nationwide; and

WHEREAS, the National Association of Counties is the only national organization that represents county governments in the United States; and

WHEREAS, since 1991 the National Association of Counties has encouraged counties across the country to actively promote county government programs and services to raise public awareness and understanding about the roles and responsibilities of the nation’s counties to meet the needs of the community; and

WHEREAS, the National Association of Counties and Calhoun County are working together to Restore the Partnership among all levels of government to better serve American communities.

NOW, THEREFORE, BE IT RESOLVED, that I, Mike Rae, Chairman of the Calhoun County Board of Commissioners, do hereby proclaim April 2010 as National County Government Month and encourage all Calhoun County officials, employees, schools and residents to participate in county government celebration activities.”

Voice Vote: Motion CARRIED

CONSENT AGENDA:

Res. 48-2010

**Board of Commissioners  
April 1, 2010**

“Motion by Comr. Camp, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following April 1, 2010 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Notice of a public hearing scheduled for April 5, 2010 regarding amendment of the designated downtown district and adoption of a development and tax increment financing plan received from Homer Village. (Received and placed on file, with a copy remitted to Deputy Equalization Director John Hippensteel and Treasurer Ann Rosenbaum)”

Voice Vote: Motion CARRIED

UNFINISHED AND OLD BUSINESS -- Health Department Lawn Fertilizer Use Regulation:

Res. 49-2010

“Motion by Comr. Camp, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners rescind Board Resolution 42-2010 - Approval of the Health Department Regulation Regarding The Use Of Lawn Fertilizer In Calhoun County; and direct the Board of Health to notice and hold another public hearing in compliance with MCL 333.2442, and after said public hearing make a recommendation to the Board of Commissioners in regard to the adoption of and the appropriate effective date of the regulation.”

Comr. Haadsma questioned whether the Board is constrained from continuing with the regulation and cannot simply set a new effective date.

Corporation Counsel Richard Lindsey, Jr. responded that the regulation is a Health Department regulation and that the law that allows for the regulation has a provision whereby the Board of Health is to conduct a public hearing, which must be properly noticed, and provide a recommendation to the Board of Commissioners. Mr. Lindsey stated that it is his recommendation that the regulation be sent back to the Board of Health to conduct a noticed public hearing and provide its recommendation.

Comr. Haadsma stated that it is displeasing that the Board of Health shall have to go through the entire process again due to a clerical oversight. Comr. Haadsma stated that he does not support the proposed amendment as he believes it would nullify the regulation. Comr. Haadsma advised that he will appear at the Health Board meetings to continue to support the regulation.

Mr. Lindsey advised that he shall be attending the Board of Health meetings and shall ensure that everything is done properly.

**Board of Commissioners  
April 1, 2010**

Voice Vote: Motion CARRIED

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

County Administrator/Controller Kelli Scott advised that the National Association of Counties' theme for National County Government Month is Healthy Counties and addressed a flyer provided outlining planned events; i.e., a press release related to Calhoun County initiatives and activities that will be occurring, educational placemats for both adults and children providing information about Calhoun County services to be distributed for use at restaurants throughout the county, tours of the various county buildings, a Senior Health Fair on April 8 at the Marshall House, and highlights regarding various departments shall be published in the county newsletter.

Ms. Scott addressed new county prescription cards that will be available listing partner organizations on the back and advised that the cards shall be at no cost to county. The cards shall be paid for by the drug manufacturers.

FY 2009-2010 Crime Victim Services Grant Amendment No. 1

Mr. Scott advised that the state is providing an additional \$8,000. There is no county match required for these additional funds.

Res. 50-2010

“Motion by Comr. Haadsma, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners approve Amendment No. 1 to the FY 2009-2010 Crime Victim Services Grant Agreement between the Michigan Department of Community Health and Calhoun County - Prosecutor's Office, further, authorize the Board Chairman to execute said Amendment on behalf of Calhoun County and the Calhoun County Prosecutor's Office.”

Roll call vote: Yes - 6 (Comrs. Todd, Camp, Gerow, Haadsma, Lee and Rae)  
Excused - 1 (Comr. Rocho)  
Motion CARRIED

Senior Millage Renewal Ballot Language and  
Placement on the August 3, 2010 Primary Election Ballot

Ms. Scott advised that the request is for renewal of the millage at the same rate. The millage will bring in \$2,818,080 in the first calendar year.

**Board of Commissioners  
April 1, 2010**

Comr. Gerow advised that the senior millage program is the most watched and well managed in the county.

Senior Services Manager Carl Gibson stated that the millage commenced in 1996 with renewals every five years; e.g., 2000 and again in 2006. Mr. Gibson advised that the same rate is being requested, however, for a period of ten years. Mr. Gibson introduced Chris Jenkins, Director of the Marian Burch Adult Day Care Center.

Ms. Jenkins advised that this year the Center received \$90,000 from the millage, and addressed the services provided at the Center. Ms. Jenkins thanked the Board for their continued support of the senior services millage.

Fountain Clinic Director Mary Jo Byrne advised that in 1996 the Clinic had a waiting list for home delivered meals; further, prescription coverage was not available in 1996. Ms. Byrne stated that due to the senior millage the Clinic no longer has a waiting list for home delivered meals and can provide dental services. Ms. Byrne encouraged the Board to support the millage.

Res. 51-2010

“Motion by Comr. Gerow, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners approve placement on the August 3, 2010 Primary Election Ballot the question whether voters wish to renew the senior millage for ten { 10 } more years, 2011 through 2020 inclusive; and approve the proposed ballot language, as presented by the Senior Millage Allocation Committee.”

Comr. Camp advised that she had been the minority opinion on the Senior Millage Allocation Committee voicing concern regarding the extension to the period of years.

Roll call vote: Yes - 5 (Comrs. Todd, Gerow, Haadsma, Lee and Rae)  
No - 1 (Comr. Camp)  
Excused - 1 (Comr. Rocho)  
Motion CARRIED

CITIZENS' TIME:

Mr. Coward stated that he is surprised with Commissioner Haadsma's statements regarding the fertilizer regulation as in discussion with Commissioner Haadsma he said that the regulation was about education, however, that it appears to be about punishment. Mr. Coward stated that he has to wonder what Commissioner Haadsma's motives

**Board of Commissioners  
April 1, 2010**

are. Mr. Coward urged the Board to review his proposed amendment.

COMMISSIONERS' TIME:

Comr. Camp invited everyone to an informational meeting of the Calhoun County Agricultural Preservation Board on April 14 at 6:30 p.m. at the Fredonia Township Hall regarding tax benefits of conservation easements.

Comr. Todd stated that the people of Athens make good maple syrup. Comr. Todd advised that he purchased two bottles of syrup from Teri Loew in the Elections Division.

CLAIMS PAYABLE LISTINGS:

Res. 52-2010

“Motion by Comr. Camp, 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 \$1,142,769.89 for the two {2} weeks ending March 24, 2010.”

Roll call vote: Yes - 6 (Comrs. Camp, Gerow, Haadsma, Lee, Rae and Todd)  
Excused - 1 (Comr. Rocho)  
Motion CARRIED

ADJOURNMENT:

The meeting adjourned at 7:57 p.m at the call of the Chair.

mlb