

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

June 2, 2011

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, June 2, 2011 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

Chairman Kale called the meeting to order and requested the Deputy Clerk call the roll.

Present: Comrs. Behnke, Haadsma, Frisbie, Camp, VanSickle and Kale

Excused: Comr. Todd

Staff Present: Administrator/Controller Kelli Scott, Corporation Counsel Richard Lindsey, Human Resources Director Kim Archambault, and Deputy Clerk Chris McComb

2 and 3. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Comr. Behnke, who also led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

"Moved Comr. Behnke, supported by Comr. Haadsma to approve the agenda of the June 2, 2011 Calhoun County Board of Commissioners as presented."

On a voice vote, Motion CARRIED

5. APPROVAL OF MINUTES

"Moved Comr. Camp, supported by Comr. Behnke to approve the minutes of the May 19, 2011 Calhoun County Board of Commissioners Regular Meeting as presented."

On a voice vote, Motion CARRIED

6. CITIZENS' TIME

There was none.

7. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

There were none.

8. SPECIAL ORDER OF BUSINESS

A. Special Tribute to Prentis Gibson

Comr. Frisbie read into record a special tribute to Prentis Gibson.

WHEREAS, Prentis Gibson, a 1959 graduate of Battle Creek Central High School, became a standout in sports in high school and college. He has played baseball, basketball and softball and remains a humble and unassuming sports legend who has mentored many youth in the Battle Creek Community and throughout Michigan; and

WHEREAS, Prentis Gibson played baseball and basketball for Battle Creek Central; basketball for Kellogg Community College; Semi-pro Basketball for the Battle Creek Braves; and played on numbers Battle Creek recreational baseball, basketball and softball teams; and

WHEREAS, during a long and productive lifetime, he has demonstrated in countless ways his dedication to the welfare of others and has earned the respect and affection of people from all walks of life and all ages; and

WHEREAS, he was employed by the City of Battle Creek, retiring in 2009 after 25 years of faithful service in the Water Division; and

WHEREAS, he continues mentoring the youth in our community; and as a Division I, II and III MIAA basketball referee, he lends sports skills and knowledge to help out in City and State games; and

WHEREAS, Prentis Gibson remains humble, faithful and is a true role model and mentor to youth and adults. He has also given a profound legacy of personal action, perseverance, compassion, and love;

NOW, THEREFORE, WE, the Calhoun County Board of Commissioners do hereby proclaim **Friday, June 3, 2011**, as

PRENTIS GIBSON DAY

In Calhoun county and urge all residents to join in recognizing and honoring Battle Creek's Prentis Gibson for giving freely of his time and talent to Battle Creek and its youth.

Res. 62-2011

“Moved Comr. Frisbie, supported by Comr. VanSickle to approve the following: Resolved the Calhoun County Board of Commissioners do hereby proclaim Friday, June 3, 2011 as Prentis Gibson day in Calhoun County.”

On a voice vote, Motion CARRIED

The proclamation was presented to Mr. Gibson by Comrs. Frisbie and Kale.

B. 2010 Planning Commission Annual Report Presentation

Jennifer Bomba, Planning Consultant, presented the 2010 Planning Commission Annual Report. She stated the department is the avenue for long range development plans for the county. She stated there are 27 units of government all overseeing zoning and the Planning Commission oversees them. She stated the County Master Plan sets forward a vision for development. She stated they lead the Farmland/Agricultural Preservation Board, the remonumentation grant, and are the land division administrator for 3 townships. She stated they work closely with the townships to provide information on such things as watershed and natural resource facilitation. Dan Kesselring, Chair of the Planning Commission, stated he has been on the Commission for 7 years. He stated the Commission is all volunteers overseeing the development in the county. He stated the Commission is currently reviewing the Eaton County plan to see how it compares to Calhoun's.

9. CONSENT AGENDA

Res. 63-2011

“Moved Comr. Behnke, supported Comr. VanSickle to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the June 2, 2011 Consent Agenda as presented.”

A. Petitions, Communications, Reports

1. Notice of Public Hearing from the City of Battle Creek Regarding Granting a Commercial Rehabilitation District Certificate
2. City of Battle Creek Resolution Establishing Commercial Rehabilitation District No. 100

B. Resolutions

1. Change of Committee Name
2. Change Policy Number for Administrative Settlement Policy

On a voice vote, Motion CARRIED

10. SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS

There were none.

11. UNFINISHED AND OLD BUSINESS

There was none.

12. NEW BUSINESS AND COUNTY ADMINISTRATOR'S REPORT

Administrator/Controller Kelli Scott provided an update on the response efforts to last weekend's storm. She stated that Administration has been sending out copies of press releases and Consumer Energy's goal was to have all power restored on this night. She stated there is a Unified Command and they have declared a local disaster, just as with the oil spill. She stated that unlike the oil spill there is no responsible party so the County is extending significant resources. She stated there were people sent down today from the State to help clear debris. Scott stated that because of the extent of the damage, the number of affected properties is up to almost 1,000 and the scope of the original declaration wasn't big enough. She stated they have asked for a bigger declaration for more assistance so the state will help us help homeowners with their cleanup. She stated though we have asked for more resources, they are not guaranteed at this point so there very well could be a budget impact. She stated the Unified Command is meeting every day and she and Battle Creek City Manager Ken Tsuchiyama have been trying to handle media questions and press releases.

Comr. Camp inquired what kind of impact this could have on the County budget.

Administrator/Controller Scott stated that the Road Commission had been asked to get more involved but the County budget would see things such as Health Department inspections, the Sheriffs Department use of equipment and resources, Equalization provided tax assessment information and more.

Comr. Haadsma inquired on the latest information from the Road Commission regarding Kimball Pines and the cost of the clean up there.

Administrator/Controller Scott stated that we haven't gotten figures on the estimate of cleanup. The County is checking with our insurance carrier, MMRMA, to see if we are eligible for reimbursement. The Parks Trustees approved some volunteer work at Kimball Pines to try to get it cleaned up by the start of the Silver Leaf Renaissance Festival in July. She stated the County has asked local units to track their costs, but we need estimates for damages done to government properties immediately and they will be developing a spreadsheet for communities to use. She reiterated that there is no guarantee there will be financial assistance.

A. Approval of Commercial Rehabilitation District

Administrator/Controller Scott stated that this development project is on Capital Avenue and they are requesting a tax abatement certificate. She stated the abatement would involve the County foregoing taxes of a few thousand per year for a 10 years then it would go back on the tax roll. She stated Administration was recommending the approval and support of this district.

Comr. Haadsma stated the project is in his district and he is supportive of the project. He stated that Capital Avenue is an entryway to downtown from I94. He stated the building has been vacant for a long time and it has been suffering from blight.

Res. 64-2011

“Moved Comr. Behnke, supported by Comr. Frisbie to approve the following: Resolved the Calhoun County Board of Commissioners supports the project proposed by Mason Capital, LLC in its application to the Battle Creek City Commission dated March 31, 2011, and the anticipated construction jobs and permanent jobs and growth it will bring to the City of Battle Creek and to Calhoun County and approves the establishment of a Commercial Rehabilitation District at 2551 Capital Avenue SW, Battle Creek, Michigan as requested in said application.”

On a roll call vote, Yes – 6, Excused – 1 (Todd), Motion CARRIED

B. Approval of Retainer Agreement with Greenberg Traurig, LLP

Administrator/Controller Scott stated that the item was presented on behalf of the Office of the Sheriff. She stated it was an amendment to a previous agreement with the Sheriffs Department. She stated the dollar amount of the agreement exceeds Administrative approval. She stated that some or all of the costs will be recovered through revenue and the amended agreement is for an annual amount of \$30,000.

Res. 65-2011

“Moved Comr. VanSickle, supported by Comr. Behnke to approve the following: Resolved the Calhoun County Board of Commissioners approve the Retainer Agreement between the Calhoun County Sheriff, Calhoun County and Greenberg Traurig, LLP, providing for a monthly retainer of \$10,000 and the Board Chair is authorized to sign that agreement on behalf of Calhoun County.”

On a roll call vote, Yes – 5, No – 1 (Haadsma), Excused – 1 (Todd), Motion CARRIED

C. PA 2 Budget Amendment

Administrator/Controller Scott advised this amendment to the PA2 budget is good news, as it shows there were available funds after closing out the fiscal year, approximately \$129,000. She stated they have tried to get a more coordinated effort county wide by requesting review and support by the TCC Substance Abuse Work Group, including representatives from the Kalamazoo Coordinating agency, substance abuse prevention and treatment providers, drug and sobriety court personnel and other interested individuals. She stated the work group reviewed proposals for use of funds from now until September and what's not used will be carried over again. She stated the proposals in the amended item were all supported unanimously by the work group in May and they were able to give the same amount as requested by the providers. She stated there are five proposals totaling \$102,342 to add to the budget. Scott stated that Substance Abuse Prevention Services' proposal totaled \$21,500 and noted that their agency took a funding reduction in the original FY11 budget. Substance Abuse Council has proposed to be a facilitator for a sobering facility in the county. She stated the facility would help defray the cost to the county for people who need help with sobering. She stated they have been told them the county does not have resources to help them in the future and added that the county is told there is an

operating budget planned from other funding sources. The SAC also submitted a request to build a new framework for county wide providers that would comply with the new state model called "ROSC". She stated the 1nth District Sobriety Court seems to be very successful and they believe they need to expand due to increasing demand. She stated in summary that there would be no impact on the county general fund, the funds are restricted for substance abuse services, and this budget amendment left a carry-over of over about \$26,000 for next year.

Comr. Frisbie stated that as a member of the health care environment he believed a sobering facility could be very helpful resource and create opportunities for emergency workers to place people who need sobering someplace besides jail or the hospital.

Comr. Camp stated it's nice to see things like this playing out in the community after so much planning. She stated she appreciates Administrator/Controller Scott working with the groups.

Comr. Haadsma stated he serves on the committee which is seeking to do the sobering house and believed this is a great collaboration between government partners.

Comr. Kale commended Harry Bonner and Dawn Smith for working together, as the County needs collaboration.

Res. 66-2011

"Moved Comr. Behnke, supported by Comr. Haadsma to approve the following: Resolved the Calhoun County Board of Commissioners approves the amendment to the PA2 Budget in the amount of \$129,007.33 as presented."

On a roll call vote: Yes – 6, Excused – 1 (Todd), Motion CARRIED

D. Resolutions to Levy Summer and Winter Property Taxes

Administrator/Controller Scott stated this is the next action the Board takes with the Equalization Department, and it provides for the authority to collect property taxes, which make up nearly half of the county's operating revenues. She stated the Equalization Director and staff have prepared forms to have the Board authorize to levy the county's operating millage in the summer, and that the rate is the same as it has been for the past several years. She stated the Medical Care Facility and Senior Services are levied in the winter.

Equalization Director Bonnie Payton introduced herself to the Board.

1. Resolution to Levy Winter Property Taxes in 2011

Res. 67-2011

"Moved Comr. Behnke, supported by Comr. VanSickle to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the resolution to Levy Winter Property Taxes in 2011."

On a roll call vote: Yes – 6, Excused – 1 (Todd), Motion CARRIED

2. Resolution to Levy Summer Property Taxes in 2011

Res. 68-2011

“Moved Comr. Behnke, supported by Comr. Frisbie to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the resolution to Levy the Summer Property Taxes in 2011.”

On a roll call vote, Yes – 6, Excused – 1 (Todd), Motion CARRIED

E. Calhoun County Trailway Update

Corporation Counsel Richard Lindsey met with Trailway alliance, Friends of the Ott, and the Road Commission and they wrapped up the final version of the agreement. He stated the money, \$65,000, will be held in escrow by the Treasurer and will be disbursed by the Road Commission for work. He stated an endowment for maintenance will be created but right now the money they have raised needs to go for an engineering plan. He stated the engineering plan will be created and all parties will sign off on it before it comes to the Board. He stated he will be going to Lansing with the Road Commission to meet with the State. He stated they had a copy of the grant, would find out what the next step is and they were working on easements for Consumers Energy and personal property. He stated things are moving forward and he expected the agreement to be presented at the next meeting.

Comr. Haadsma thanked Corporation Counsel Lindsey for doing a wonderful job of bringing the parties together to provide a Trailway to citizens while keeping the Preserve safe.

Comr. Camp stated she has had good feedback and thanked him for his leadership. She inquired if it is possible that there is enough public goodwill that the endowment can be built sooner.

Corporation Counsel Lindsey stated he was hoping the endowment would be done by the time the Trailway was finished. He stated they are currently raising money for the engineering study and it will be in the agreement that they will have one year of maintenance funds in the endowment fund by the time the Trailway is done.

Comr. Camp stated it was her understanding that the fund would be established and the interest would be drawn off to use for maintenance. She inquired if there is no money how they would have interest for maintenance.

Corporation Counsel Lindsey stated they would be working those things out with the agreement and the Road Commission would be helping them draw up a plan.

Comr. Kale commended Corporation Counsel Lindsey for his hard work.

13. CITIZEN’S TIME

Jim Coury of Marshall stated he appreciated Richard Lindsey’s good humor, intelligence and ability to bring everyone together. He stated the Trailway project had come together well. He stated Lindsey had the ability to create the documents to use and he well prepared a nice model for the future.

Bobby Holley of Battle Creek stated in March he crawled to Kalamazoo to protest against bullying in the schools. He stated he was grateful for the donations he received from Comr. Behnke and his company. He stated they got free t-shirts in the schools for the kids that wanted them and it has led Battle Creek Schools to have a project against bullying.

Bobby Holley also stated there would be a tribute to Prentis Gibson at Dudley School and he invited the Comrs. to attend to honor him. He stated Prentis is a mentor to adults and children. He thanked Comr. Todd for bringing the tribute forward and thanked the Comrs. for approving it for him.

Autumn Smith of Battle Creek stated she witnessed the coming together of the community during the storms and she was glad everyone was safe. She encouraged everyone to get involved in their government because there was a lot of activity going on, it's very rewarding and there were many opportunities. She stated there are resources on Facebook. She thanked Mr. Lindsey and Teri Loew for helping her with the recall paperwork.

Rob Rumsey stated he had storm damage but it was not extensive. He thanked everyone for coming together to create the Trailway and he appreciates the leadership. He stated he was glad everyone could resolve it for the community.

14. COMMISSIONERS' TIME

Comr. Camp thanked about 20 residents from Newton and Leroy Townships. She stated at a special meeting of the Road Commission, they established quorum late so the residents got a chance to talk about resolving issues on 6 Mile Road. She stated there was talk that there may be a drive for a county millage to work on the roads rather than working with the State to reallocate funds.

Comr. Camp thanked the Sheriff, Emergency Management and Administration for reaching out to help the public. She stated she had been impressed by residents helping each other.

Comr. Behnke stated the Local Revenue Sharing Board had discussed how to distribute Tier 4 funding. Organizations in Calhoun County were encouraged to work with government entities to apply. He stated he was not sure how they were going to work out.

Comr. Frisbie thanked private organizations such as the Red Cross, Salvation Army, Chapel Hill United Methodist Church, and the Church on East Columbia. He stated it was good to see citizens helping each other in the spirit of helping each other.

Comr. Haadsma echoed Comr. Camp and Frisbie's statements about the community. He also thanked the Sheriff, Emergency Services, Durk Dunham and Mike McKenzie. He stated was impressed with how quickly things were being turned around.

Comr. Kale thanked the farmers on the east side of the county. He stated Albion, the north side of Lee Township and Clarence Township had trees down. He stated he saw a lot of tractors out moving trees and clearing roads.

Comr. Kale stated he attended Memorial Day parades in Albion and Homer and it was good to see the

community involvement.

Comr. Kale stated he and a few other Comrs. were on stage for the Memorial Day event at Fort Custer. He stated if you have never been to this event, you need to go because it's awesome. He stated Sherry Swan does a wonderful job.

15. CLAIMS PAYABLE

Res. 69-2011

"Moved Comr. Behnke, supported by Comr. Haadsma to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Claims Payable Listing for May 14, 2011 through May 26, 2011 in the amount of \$4,077,223.63."

On a roll call vote, Yes – 6, Excused – 1 (Todd), Motion CARRIED

16. ANNOUNCEMENTS

Comr. Camp announced there would be a barbecue chicken dinner at the Home Grange tomorrow.

17. CLOSED SESSION TO DISCUSS LABOR NEGOTIATIONS

Res. 70-2011

"Moved Comr. Haadsma, supported by Comr. VanSickle to approve the following: Resolved the Calhoun County Board of Commissioners does hereby retire to closed session to discuss labor negotiations and will return to open session to adjourn the regular session of the June 2, 2011 meeting."

On a roll call vote, Yes – 6, Excused – 1 (Todd), Motion CARRIED

18. ADJOURNMENT

The meeting was adjourned at 9:25 p.m. at the call of the Chair.

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Chairman
Calhoun County Board of Commissioners

Clerk
Calhoun County Board of Commissioners