

STATE OF MICHIGAN

COUNTY OF EATON ROLL CALL AND VOTES IN BOARD OF COMMISSIONER'S

July 18

SESSION A.D. 2007

ROLL CALL

			ON MOTION TO		ON MOTION TO		ON MOTION TO	
			<i>Health Dept Proposed Regulations Septiz + well</i>					
A.M.	P.M.	COMMISSIONERS	AYE	NAY	AYE	NAY	AYE	NAY
	✓	MICHAEL HOSEY		✓				
	✓	HARLAN MACDOWELL	✓					
	✓	THERESA ABED	✓					
	✓	CAROL STRACHAN	✓					
	✓	JEANNE PEARL-WRIGHT	✓					
	✓	LEO A FARHAT JR	✓					
	✓	GLENN H. FREEMAN III	✓					
	✓	JOHN FORELL		✓				
	✓	LINDA KEEFE		✓				
	✓	ART LUNA		✓				
	✓	L. DARYL BAKER	✓					
	✓	DALE BARR		✓				
	✓	DENISE J. CLARKE	✓					
		LEONARD M. PETERS						
	✓	JOSEPH C. BREHLER		✓				
			8	6				

EATON COUNTY BOARD OF COMMISSIONERS

JULY 18, 2007

The Eaton County Board of Commissioners met in regular session at the County Facilities, in the City of Charlotte, Wednesday, July 18, 2007.

Chairman Brehler called the meeting to order at 7:00 PM.

The Pledge of Allegiance to the Flag was given by all.

Commissioner MacDowell gave the invocation.

Roll call. Commissioners present; Michael Hosey, Harlan MacDowell, Theresa Abed, Carol Strachan, Jeanne Pearl-Wright, Leo Farhat, Glenn Freeman, John Forell, Linda Keefe, Art Luna, Daryl Baker, Dale Barr, Denise Clarke, Joseph Brehler. Commissioners absent: Leonard Peters.

Chairman Brehler asked for additions or corrections to the agenda.

- Commissioner Freeman added an appointment to the Jury Board under New Business.

Commissioner Baker moved the agenda be approved as amended. Seconded by Commissioner Freeman. Carried.

Commissioner Freeman moved the minutes of June 12, 2007 be approved as presented. Seconded by Commissioner Farhat. Carried.

Commissioner Baker moved the minutes of June 20, 2007 be approved as presented. Seconded by Commissioner MacDowell. Carried.

Communications:

1/ Letter from Representative Mike Simpson acknowledging receipt of a resolution supporting SB's 410 and 411.

2/ Letter from Governor Granholm acknowledging receipt of a resolution supporting SB's 410 and 411.

3/ Resolutions from Benton, Chester and Kalamo Townships opposing the proposed evaluation and maintenance regulations as proposed by the Barry-Eaton District Health Department.

4/ Letter from Michigan United Conservation Clubs supporting the proposed evaluation and maintenance regulations as proposed by the Barry-Eaton District Health Department.

Donna Hobart from Tri-County Office on Aging spoke about the Annual Implementation Plan and described the services offered by Tri-County Office on Aging.

Public Comment.

- Blair Miller, 10445 Nashville Hwy. Vermontville spoke against the proposed Barry-Eaton District Health Department regulations governing on-site sewage and on-site water supply systems.
- Mike Callton, Chairman Barry County Board of Commissioners reported the Barry County Board approved the proposed regulations.

- Jeff VanNortwick, Barry County Commissioner 7th District spoke in favor of the regulations.
- Ed Dobbs, 1928 Battle Creek Hwy., Carmel Township spoke in favor of the regulations.
- Keith Ferris, Barry County Commissioner spoke in favor the regulations.
- William Haun, 130 Theo, Delta Township spoke in favor of the regulations.
- Gene Paez, Shiawassee County Health Department spoke in favor of the regulations.
- Brian Reynolds, Barry County resident spoke in favor of the regulations.
- Byron Beerbower, 8933 Timber Lane, spoke in favor of the regulations.
- Mark Abood, 209 Harpers Way, Delta Township spoke in favor of the regulations.
- George Hubka, Barry County spoke against the regulations.
- Joe Lyons, 3305 Quimby, spoke in favor of the regulations
- Barb Lomax reported EATRAN ratified their contract tonight.
- JoeAnn Nehmer, 527 S. Main, Vermontville spoke against the portion of the regulations that require inspections when building a deck or pole barn.

Commissioner Pearl-Wright moved the approval of Resolution #07-07-95 To Approve the Tri-County Office on Aging Annual Implementation Plan for Fiscal Year 2008 as required by the Older Americans Act and the Older Michigianians Act. Seconded by Commissioner Forell. Carried.

Commissioner Pearl-Wright moved the approval of Resolution #07-07-96 To Approve Barry-Eaton District Health Department Regulations Governing On-Site Sewage and On-Site Water Supply System Evaluation and Maintenance. Seconded by Commissioner Freeman.

Commissioner Farhat read in a statement in support of the proposed Health Department regulations.

Commissioner Forell spoke against the proposed regulations stating the need to address the issue systematically throughout the county, not just at the point of sale.

Commissioner Keefe spoke against the proposed regulations stating there are still issues, which need to be addressed and feels older homes should be inspected.

Chairman Brehler spoke against the proposed regulations and feels a better document needs to be written without such broad authority.

Commissioner MacDowell feels the regulations if approved, may need to be revised as needed after implementation.

Commissioner Luna spoke against the regulations.

Roll call vote. Ayes; MacDowell, Abed, Strachan, Pearl-Wright, Farhat, Freeman, Baker, Clarke. Nays; Hosey, Forell, Keefe, Luna, Barr, Brehler. Absent; Peters. Carried.

Commissioner Freeman moved the approval of Resolution #07-07-97 To Accept a Grant Under the Community Corrections Act 1988, PA 511 for comprehensive plans and services, Drunk Driver Jail Reduction Program and probation residential services. Seconded by Commissioner Farhat. Carried.

Commissioner Luna moved the approval of Resolution #07-07-98 To Approve Revision of the Building Fee Schedule. Seconded by Commissioner Freeman. Carried.

Commissioner Hosey moved the adoption of Resolution #07-07-99 Appointing the officer and employee delegates to the MERS Annual Meeting. Seconded by Commissioner Baker. Carried.

Commissioner Keefe moved the approval of Resolution #07-07-100 To Approve Williamsburg Drain Project Bond Counsel. Seconded by Commissioner Barr. Carried.

Commissioner Keefe moved the approval of Resolution #07-07-101, to Approve 2006/2007 General Fund Budget Amendments. Seconded by Commissioner Freeman. Carried.

Commissioner Keefe moved the approval of Resolution #07-07-102, to Approve 2006/2007 Special Revenue Fund Budget Amendments. Seconded by Commissioner Luna. Carried.

Commissioner Keefe moved the approval of claims as audited by the Finance Committee in the amount of \$354,277.52. Seconded by Commissioner Farhat. Carried.

Commissioner Hosey moved the approval of Resolution #07-07-103 To Authorize Application for Office of Drug Control Policy – OUIL III Drug Court Grant. Seconded by Commissioner Clarke. Carried.

There was no Public Comment.

Unfinished Business. Commissioner Pearl-Wright informed the Board there are “Friend to Friend” post cards in their mailboxes to use to encourage voters to vote YES in the August 7th Medical Care Facility Election. Yard signs are also available and the committee meets Mondays at 6PM at the Senior Center if anyone is interested.

There was no Old Business.

New Business. Commissioner Freeman moved Al Rios be appointed to the Jury Board for a 6 year term of office expiring 4-30-2013. Seconded by Commissioner Barr. Carried.

Chairman Brehler announced the flower fund is in need of donations. In addition, the Discount Dental Plan for county residents will be available beginning August 1, 2007.

Commissioner Forell moved the meeting adjourn to Wednesday, August 15, 2007 at 7:00 P.M. Seconded by Commissioner Luna. Carried

Joseph C. Brehler /MFF
Chairman of the Board of Commissioners

M. Frances Fuller
Clerk of the Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS

JULY 18, 2007

**RESOLUTION TO APPROVE
THE TRI-COUNTY OFFICE ON AGING
ANNUAL IMPLEMENTATION PLAN FISCAL YEAR 2008**

Introduced by the Health and Human Services Committee

Commissioner Pearl-Wright moved the approval of the following resolution.
Seconded by Commissioner Forell.

WHEREAS, the Tri-County Aging Consortium, known as Tri-County Office on Aging, produced the Annual Implementation Plan Fiscal Year 2008 as required by the Older Americans Act and the Older Michiganians Act; and

WHEREAS, the Health and Human Services Committee has reviewed the Tri-County Office on Aging's Annual Implementation Plan Fiscal Year 2008 and is recommending its approval.

NOW THEREFORE BE IT RESOLVED, that the Eaton County Board of Commissioners approve said document as presented.

Carried.

EATON COUNTY BOARD OF COMMISSIONERS

JULY 18, 2007

**RESOLUTION TO APPROVE
BARRY-EATON DISTRICT HEALTH DEPARTMENT REGULATION
GOVERNING ON-SITE SEWAGE AND ON-SITE WATER SUPPLY SYSTEM
EVALUATION AND MAINTENANCE**

Introduced by the Health and Human Services Committee

Commissioner Pearl-Wright moved the approval of the following resolution.
Seconded by Commissioner Freeman.

Present: Hosey, MacDowell, Abed, Strachan, Pearl-Wright, Farhat, Freeman, Forell, Keefe, Luna, Baker, Barr, Clarke and Brehler.

Ayes: MacDowell, Abed, Strachan, Pearl-Wright, Farhat, Freeman, Baker and Clarke.

Nays: Hosey, Forell, Keefe, Luna, Barr and Brehler.

Absent: Peters

WHEREAS, Barry-Eaton District Health Department Board adopted a regulation governing on-site sewage and on-site water supply system evaluation and maintenance on May 7, 2007; and

WHEREAS, Section 2441 of the Public Health Code (P.A. 368 of 1978) requires the approval of this regulation, by the Board of Commissioners before it can take effect; and

WHEREAS, the Health and Human Services Committee has reviewed the proposed regulation and is recommending its approval.

NOW THEREFORE BE IT RESOLVED, that the Eaton County Board of Commissioners approves the Barry-Eaton District Health Department Regulation Governing On-Site Sewage and On-Site Water Supply System Evaluation and Maintenance.

Carried.

EATON COUNTY BOARD OF COMMISSIONERS

JULY 18, 2007

**RESOLUTION TO ACCEPT A GRANT UNDER THE
COMMUNITY CORRECTIONS ACT 1988, P. A. 511**

Introduced by the Public Safety Committee

Commissioner Freeman moved the approval of the following resolution.
Seconded by Commissioner Farhat.

WHEREAS, Eaton County has operated programs under the Community Corrections Act, 1988, P.A. 511; and

WHEREAS, the State of Michigan is making grant funds available for the period of October 1, 2007 to September 30, 2008; and

WHEREAS, the Eaton County Community Corrections Advisory Board on May 4, 2007 has reviewed and is recommending the submission of a request for funds for the 2007/2008 fiscal year in the amount of \$151,305 for comprehensive plans and services, \$26,255 for Drunk Driver Jail Reduction Program and \$208,050 for probation residential services.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners authorizes the submission of the above entitled grants; and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Commissioners or his designee be authorized to sign all of the necessary contracts or documents; and

BE IT FURTHER RESOLVED, that if the grant is not continued, the continuation of the grant funded positions will be reviewed by the appropriate Committees to determine the necessity of General Fund commitment.

Carried.

EATON COUNTY BOARD OF COMMISSIONERS

JULY 18, 2007

**RESOLUTION TO APPROVE
REVISION OF THE BUILDING FEE SCHEDULE**

Introduced by the Public Works and Planning Committee

Commissioner Luna moved the approval of the following resolution.
Seconded by Commissioner Freeman.

WHEREAS, Eaton County is enforcing the Michigan Building Code, which is the International Building Code, as amended by the State of Michigan; and

WHEREAS, the Eaton County Construction Code Department recommends certain fees and changes based on actual cost associated with code administration; and

WHEREAS, the Construction Code Department is recommending the addition of a fee for decks included in new residential construction to be included in the calculation of the cost of a building permit; and

WHEREAS, the Public Works and Planning Committee has reviewed and is recommending the amendment to the Building Fee Schedule.

NOW THEREFORE BE IT RESOLVED, that the Eaton County Board of Commissioners hereby establishes that the fee for building permits be modified to include item **10A.1.m.** in the calculation of the permit cost. The fees should take effect on July 19, 2007. Carried.

10. Construction Permits

A. Inspection fee: \$5.00 per thousand dollars of estimated construction cost based upon the following schedule:

	FEE
1.m. Decks (open-covered)	\$34.00/sq. ft.

b. Double Wide – 190.00

9. Investigation fee: An investigation fee of \$100.00 shall be charged to a person who commences construction or placement of a structure requiring a construction permit prior to obtaining said permit and fails to obtain the required permits on or before the specified date for compliance contained in a formal notice of violation. Failure to pay the investigation fee on or before the specified date, will result in the county pursuing legal action.

10. Construction Permits

A. Inspection fee: \$5.00 per thousand dollars of estimated construction cost based upon the following schedule:

1. Residential (one and two family)

- a. \$88.00 sq. ft. first floor
- b. \$88.00 sq. ft. other floor
- c. \$50.00 sq. ft. pre-manufactured homes (all floors)
- d. \$88.00 sq. ft. addition
- e. \$34.00 sq. ft. attached garage
- f. \$34.00 sq. ft. detached garage
- g. \$34.00 sq. ft. pole building
- h. \$22.00sq. ft. walk-out basement
- i. \$15.00 sq. ft. below grade basement
- j. \$5/1,000 for alterations (based on written contract price)
- k. \$34.00 sq. ft. carports attached or detached.
- l. \$8.00 sq. ft. crawl space
- m. \$34.00 sq. ft. decks (open-covered)

(Industrial, Institutional, Municipal, Signs and Billboards)

2. Other (including Commercial,) Permit Fees: Based on \$4.50/\$1,000 of the current BOCA valuation data report. (See attached chart – page 4). Signs and Billboards will be charged based on the contract cost.

3. Fire-Caused Repair or Replacement: Permits are required for repair or replacement of an existing structure damaged by fire. Fees will be based upon the estimated cost of construction for repair permits and replacement permits will be treated as a new structure and charged accordingly.

11. Reinspection Fee: A reinspection fee of \$50.00 shall be charged when an inspection cannot be completed or approved and a reinspection must be scheduled, a reinspection fee shall be charged in the following instances: Cannot gain entry to building, work not completed as specified in previous inspection, repeated code violations and/or failure to cancel any inspections if the work is not completed.

12. Exemptions: The following activities are exempt from the permit requirements of the Construction Code:

- A. Replacement of roof shingles, or re-surfacing of roof (structural roof repair requires a permit);
- B. Replacement of non-bearing siding or exterior wall covering;
- C. Replacement of doors and windows when the same size openings are used;
- D. Construction of one story detached accessory buildings for storage, playhouse, or similar use, provided, the floor area does not exceed 200 square feet;
- E. Fences that are not more that 6 feet high and retaining walls that are not more than four feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge.
- F. Patios, decks, and porches on residential dwellings which do not support a roof and are not more than 30 inches above grade;
- G. Window awnings when supported by an exterior wall.
- H. Painting, papering, tiling, carpeting, cabinets, counter tops and the installation of non-load bearing partitions (except when creating and enclosed room).

- I. Oil derricks, gas wells, public communication towers, works of heavy civil construction such as roads, drains, bridges, and dams;
- J. Public utility plants and accessory structures such as substations, electric transmission lines, or structures;
- K. Buildings or structures used for "Agricultural Purposes" as defined in Public Act 245 of 1999. The building must be located on the land used for the agricultural purposes and may not be used in the business of retail trade.
- L. Installation of septic tanks, drain field, beds, and well drilling.
- M. A water tank supported directly upon grade if the capacity is not more than 5,000 gallons (18 927 L) and the ratio of height to diameter or width is not greater than 2 to 1.
- N. A sidewalk or driveway that is not more than 30 inches (762 mm) above adjacent grade and is not over any basement or story below.
- O. A prefabricated swimming pool that is less than 24 inches (610 mm) deep.
- P. Swings and other playground equipment accessory to a 1 – or 2 family dwelling.

PLAN REVIEW FEES

Plan reviews will be charged as follows:

- A. A minimum of \$50.00 will be charged on all plan reviews for each trade.
- B. In areas that we do building permits and a plan review is required, the plan review fee will be charged up front. The plan review fee will be credited towards the permit fees if the permits are secured within 90 days, but not after a code change.
- C. In areas that we do not do building permits and a plan review is required, the plan review fee will be charged up front. The plan review fee will not be refunded.

Plan review fees:

- A. The base fee of \$50.00 includes the first 1,000 square feet.
- B. All square footage over 1,000 will be charged @ \$00.01 per square foot.
- C. These fees do not include any archive fees.
- D. If the plan review is for a change of occupancy only and a building permit is not required, the plan review fee will not be refunded.

NOTE: Plan reviews are required for the change of occupancy of a building. The Plan Review may be performed by this department or an approved Plan Review agency. See K & L under Item 7 above for permit fees.



Officer and Employee Delegate

Certification Form

Commissioner Hosey moved the adoption of the following document. [see reverse for Information]
Seconded by Commissioner Baker. Carried.

MERS 61st Annual Meeting | September 18-20, 2007 | Radisson Plaza Hotel, Kalamazoo

IMPORTANT: Complete and return this form with the Annual Meeting Registration Form

In order to be your municipality's delegate representative to MERS Annual Meeting, you must be a member of MERS. A member of MERS is defined as an individual on payroll who is enrolled in MERS Defined Benefit Plan or Defined Contribution Plan. Please refer to "Delegate Information" on the back for specific requirements.

OFFICER (ALTERNATE) DELEGATE INFORMATION

EMPLOYEE (ALTERNATE) DELEGATE INFORMATION

The officer delegate (or alternate) shall be an officer member who holds a department head position or above, exercises management responsibilities, and is directly responsible to the legislative and/or executive branch of government.

The employee delegate (or alternate) shall be an employee member who is not responsible for management decisions, receives direction from management and, in general, is not directly responsible to the legislative and/or executive branch of government.

Please type or print:
Officer Delegate Leonard Peters
Officer Alternate Connie Sobie

Please type or print:
Employee Delegate William Worden
Employee Alternate

OFFICER DELEGATE APPOINTMENT

By official action of the governing body on July 18, 2007, the officer delegate and alternate listed above were appointed to serve at the 2007 MERS Annual Meeting.

EMPLOYEE DELEGATE ELECTION

By secret ballot election conducted by an authorized officer on June 22, 2007, the employee delegate and alternate listed above were elected to serve at the 2007 MERS Annual Meeting.

CERTIFICATION

NOTE: Certification should be signed by the member of the governing body or the Chief Administrative Officer and municipality number provided in space at the bottom of certification box.

I certify that the officer delegate and alternate selections are true and correct, and the secret ballot election results for employee delegate and alternate are true and correct.

Name (Signature): M Frances Fuller Name (Please Print): M Frances Fuller

Official Title: County Clerk Date: July 18, 2007

NOTE: Municipality Number Required for Certification

Municipality Number: 2302 E-mail address: ridge@eatoncounty.org

Municipality: Eaton County

Municipality Mailing Address: Eaton County, 1045 Independence Blvd., Charlotte, MI 48813



Officer (Alternate) and Employee (Alternate) Delegate Information

[see reverse for Certification Form]

To be a municipality's voting delegate (or alternate) representative to MERS Annual Meeting, you must be a member of MERS.

MERS Member: A MERS member is an individual who is enrolled in MERS Defined Benefit (DB) Plan or Defined Contribution (DC) Plan.

As provided in Section 45(2) of the MERS Plan Document, the governing body for each municipality shall certify the names of two (2) delegates to the Annual Meeting. One delegate shall be a member who is an officer of the municipality **appointed** by the governing body of the municipality. The other delegate shall be a member who is not an officer of the municipality, **elected** by the member officer/employees of the municipality. The election shall be conducted in a manner that affords each member officer/employee an opportunity to vote.

Officer Delegate (or Alternate): The officer delegate shall be an officer member who holds a department head position or above, exercises management responsibilities, and is directly responsible to the legislative or executive branch of government.

Employee Delegate (or Alternate): The employee delegate shall be an employee member, who is not responsible for management decisions, receives direction from management, and, in general, is not directly responsible to the legislative or executive branch of government.

Delegate Certification: This form states that the officer delegate (alternate) appointments are true and correct, and the secret ballot election results for employee delegate (alternate) are true and correct. **An official at the municipality must sign the certification.**

EATON COUNTY BOARD OF COMMISSIONERS

JULY 18, 2007

**RESOLUTION TO APPROVE
WILLIAMSBURG DRAIN PROJECT BOND COUNSEL**

Introduced by the Finance Committee

Commissioner Keefe moved the approval of the following resolution.
Seconded by Commissioner Barr.

WHEREAS, the Board of Commissioners approved a Full Faith and Credit Policy on February 16, 2005; and

WHEREAS, that Policy provides for the services of a Project Bond Counsel for any project that is requesting the full faith and credit of the County; and

WHEREAS, the County Treasurer has prepared and distributed bid packages for Bond Counsel services for the Williamsburg Drain Project; and

WHEREAS, these bids were received and have been reviewed by the Finance Committee.

NOW, THEREFORE, BE IT RESOLVED, that the following firm be awarded the Bond Counsel designation for the Williamsburg Drain Project:

- Mika Myers Beckett and Jones (in the amount of \$6,070); and

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners or his designee be authorized to sign any necessary agreements.

Carried.

EATON COUNTY BOARD OF COMMISSIONERS

JULY 18, 2007

**RESOLUTION TO APPROVE
2006/2007 SPECIAL REVENUE FUND BUDGET AMENDMENTS**

Introduced by the Finance Committee

Commissioner Keefe moved the approval of the following resolution.
Seconded by Commissioner Luna.

WHEREAS, the Eaton County 2006/2007 Appropriations Act of September 20, 2006 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund, department or activity in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

WHEREAS, such amendments are needed in order to comply with the Uniform Budgeting and Accounting Act of 1978, P.A. 621.

NOW, THEREFORE BE IT RESOLVED, that the following budget amendments be approved and added to the 2006/2007 Eaton County Budget:

Carried.

LANDFILL - 227

Increase	Contractual Services	\$10,500
Increase	Transfers-In	\$10,500

To increase contractual services for landfill for the cost of engineering for maintenance service.

JUSTICE ASSISTANCE GRANT - 283

Increase	Equipment	\$ 5,618
Increase	Grant Revenue	\$ 5,618

To increase total budget for expenditures approved through Justice Assistance Grant.

EATON COUNTY BOARD OF COMMISSIONERS

JULY 18, 2007

**RESOLUTION TO AUTHORIZE APPLICATION FOR OFFICE OF DRUG
CONTROL POLICY – OUIL III DRUG COURT GRANT**

Introduced by the Finance Committee

Commissioner Hosey moved the approval of the following resolution.
Seconded by Commissioner Clarke.

WHEREAS, the Office of Drug Control Policy has Byrne Memorial Grant funds available through an inter-agency agreement with the Michigan State Court Administrative Office; and

WHEREAS, the Community Corrections Department has operated an OUIL Drug Court since 1999 which has been partially grant funded; and

WHEREAS, the grant would provide funding to continue and expand the OUIL III Circuit Court Drug Court; and

WHEREAS, this grant requires a cash match for expenditures not allowed through the grant for the period October 1, 2007 through September 30, 2008.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners authorize the Community Corrections Department to submit a grant application in the amount of \$183,550 with a cash match of \$ 7,980; and

BE IT FURTHER RESOLVED, that acceptance of the grant is contingent on identification of the required cash match; and

BE IT FURTHER RESOLVED, that if the County's participation in the grant is discontinued, the continuation of the grant funded positions will be reviewed by the appropriate committees to determine the necessity of General Fund commitment; and

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners be authorized to sign any necessary documents.

Carried.