

EATON COUNTY BOARD OF COMMISSIONERS

MAY 18, 2011

The Eaton County Board of Commissioners met in regular session at the County Facilities, in the City of Charlotte, Wednesday, May 18, 2011.

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

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

Commissioner Baker gave the invocation.

Roll call. Commissioners present; Michael Hosey, Blake Mulder, Larry Brunette, James Osieczonek, John Boles, Glenn Freeman, Joseph Brehler, Roger Eakin, Wayne Ridge, L. Daryl Baker, Dale Barr, Jeremy Whittum, Ben Colestock, John Forell. Commissioners absent; Susan Hoffman.

Commissioner Mulder added the following to the Ways and Means Committee report, item #7, resolution authorizing application for grant under the Community Corrections Act and item #8, resolution to enter into contracts for municipal prosecution services. Chairman Forell added a resolution declaring Employee Recognition Day under New Business.

Hearing no further changes the agenda stood as amended.

Commissioner Freeman moved the minutes of April 20, 2011 be approved as presented. Seconded by Commissioner Baker. Carried.

Communications.

1/ Letter from the Substance Abuse and Mental Health Services Administration acknowledging receipt of a resolution declaring National Alcohol and Drug Addiction Recovery Month in Eaton County.

Chairman Forell moved the approval of Resolution #11-5-31,
WHEREAS, a fire on the roof of the Eaton County Courthouse occurred on May 7, 2011; and
WHEREAS, Sergeant Jim West of the Sheriff Department saw the fire and reported it to 911 and contacted other on duty employees; and
WHEREAS, Sergeant Jim West, Sergeant Larry Treadwell, Corrections Deputies Jody Peterson and John Malusek, Maintenance Worker Tony Pruden and Community Corrections Coordinator Steve Siegrist responded to the fire on the roof and the smoke infiltrating the building; and
WHEREAS, without their quick response the damage is anticipated to have been more severe than that sustained; and
WHEREAS, the Eaton County Board of Commissioners greatly appreciate the efforts of these dedicated employees to assist in this emergency.
NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners, meeting in regular session this 18th day of May, 2011 do commend Sergeant Jim West, Deputy Ryan Wright, Sergeant Larry Treadwell, Corrections Deputy Jody Peterson, Corrections Deputy John Malusek, Tony Pruden and Steve Siegrist for a job well done and for performance above and beyond the call of duty; and
BE IT FURTHER RESOLVED, that a copy of this resolution shall be signed by the Chairperson of the Board and Clerk of the County; and bear the great seal of the County as well. A copy shall be attached to the permanent records of the County.

Seconded by Commissioner Hosey. Carried unanimously.

There was no Public Comment.

Tim McGuire, Executive Director of Michigan Association of Counties updated the Board on legislative issues that affect counties and that are being discussed on the state level. Ben Bodkin, Director of Legislative Affairs for MAC spoke about revenue sharing (counties are facing a 34% reduction in revenue sharing), unfunded mandates, collaboration, transparency and service sharing.

Commissioner Whittum moved the approval of Resolution #11-5-32,
WHEREAS, the statute requires the Sheriff to notify the Board of Commissioners when acquired stolen property has been unclaimed for six months, and request authority from the Board to dispose of it.
NOW, THEREFORE BE IT RESOLVED, that the Sheriff be given authority to sell all stolen or recovered property that has been in his possession for a period of six months or more with the proceeds from the sale to go to the General Fund; and

BE IT FURTHER RESOLVED, that the sale is to be held on Saturday, September 24, 2011 at 9:00 a.m. at the Eaton County Storage Building, 1105 Independence Blvd., Charlotte, MI 48813 and to cause notices to be published in newspapers of general circulation in the County, said notices to describe the property to be sold.
Seconded by Commissioner Barr. Carried.

Commissioner Whittum moved the approval of Resolution #11-5-33,
WHEREAS, the Department of Homeland Security has Grant Funds available under the Emergency Operations Center; and
WHEREAS, the Sheriff is desirous of submitting a grant to update the communications in the Sheriff Department Building, including the Emergency Operation Center (EOC) in the fiscal year 2011/2012 budget; and
WHEREAS, such grant will provide funding to update information technology and relocate communication equipment improving communication capabilities within the building; and
WHEREAS, such grant has been reviewed and recommended by the Public Safety Committee.
NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Sheriff Department be authorized to submit a grant under the Department of Homeland Security; and
BE IT FURTHER RESOLVED, that if the County's participation in the grant is discontinued or requires a County General Fund contribution, the continuation of the grand funded positions will be reviewed by the appropriate committees to determine the necessity of General Fund commitment; and
BE IT FURTHER RESOLVED, that the Controller be authorized to approve any necessary budget amendments to increase expenditures and increase grant revenue if the grant is approved by the Department of Homeland Security; and
BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners be authorized to sign the necessary documents.

Seconded by Commissioner Hosey. Carried.

Commissioner Boles moved the approval of Resolution #11-5-34,
WHEREAS, the United States Department of Justice, Office of Justice Programs, Community Oriented Policing Services has Grant Funds available under the COPS Recovery Hiring Program; and
WHEREAS, the Sheriff is desirous of submitting a grant to partially or fully fund positions that may be eliminated in the fiscal year 2011/2012 budget; and
WHEREAS, such grant will provide funding for the entry-level salary and fringe benefit costs for these positions; and
WHEREAS, such grant has been reviewed and recommended by the Public Safety Committee.
NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Sheriff Department be authorized to submit a grant under the COPS Recovery Hiring Program; and
BE IT FURTHER RESOLVED, that if the County's participation in the grant is discontinued or requires a County General Fund contribution, the continuation of the grand funded positions will be reviewed by the appropriate committees to determine the necessity of General Fund commitment; and
BE IT FURTHER RESOLVED, that the Controller be authorized to approve any necessary budget amendments to increase expenditures and increase grant revenue if the grant is approved by the United States Department of Justice; and
BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners be authorized to sign the necessary documents.

Seconded by Commissioner Freeman. Carried.

Commissioner Baker moved the approval of Resolution. #11-5-35,
WHEREAS, on or about October 20, 1975, the Eaton County Board of Commissioners adopted an ordinance creating the Eaton County Planning Commission pursuant to and with all of the authority and power specified and granted by 1945 PA 282 (the "1975 Ordinance"); and
WHEREAS, the Michigan Legislature consolidated the various planning acts by enactment of the Michigan Planning Enabling Act, being 2008 PA 33 (the "Act"), which took effect on September 1, 2008; and
WHEREAS, pursuant to Section 81 of the Act, being MCL 125.3881, the 1975 Ordinance continues in effect and the planning commission need not be newly created by an ordinance adopted under the Act; and
WHEREAS, beginning September 1, 2008, the duties of the Eaton County Planning Commission were subject to the requirements of the Act; and
WHEREAS, Section 81 of the Act requires the Eaton County Board of Commissioners to amend the 1975 Ordinance creating the Eaton County Planning Commission or repeal the 1975 Ordinance and adopt a new ordinance to fully conform to the requirements of the Act no later than July 1, 2011; and
WHEREAS, the Eaton County Board of Commissioners desires to repeal the 1975 Ordinance and adopt the Eaton County Planning Commission Ordinance, attached to this Resolution as Exhibit A, in order to comply with the Act.
NOW THEREFORE BE IT RESOLVED by the Eaton County Board of Commissioners as follows:
1. The Eaton County Planning Commission Ordinance, attached as Exhibit A to this Resolution is hereby adopted.
2. The Eaton County Planning Commission Ordinance, attached as Exhibit A, shall be filed with the Eaton County Clerk.

3. The Eaton County Clerk shall publish the Eaton County Planning Commission Ordinance, attached as Exhibit A, in a newspaper of general circulation in the County.
 4. Within 14 days after adoption, the Eaton County Clerk shall transmit notice of the adoption to the Tri-County Regional Planning Commission.
 5. Any and all resolutions that are in conflict with the Resolution are hereby repealed upon the effective date of the Eaton County Planning Commission Ordinance, attached as Exhibit A, but only to the extent necessary to give the Resolution and the Eaton County Planning Commission Ordinance full force and effect.
- Seconded by Commissioner Eakin. Carried.

Commissioner Baker moved the approval of Resolution. #11-5-36,
 WHEREAS, Tammy and Grant Emfield, initiated a petition to change the Land Development District (zoning) designation for a parcel at 7175 E. Five Point Highway, Section 5, Hamlin Township from Limited Agricultural (LA) to Industrial (I); and
 WHEREAS, the Eaton County Planning Commission held a duly advertised and noticed public hearing on May 3, 2011; and
 WHEREAS, the Eaton County Planning Commission found the requested amendment to be consistent with the required findings of fact (Items A-G) contained in Section 13.6 of the Eaton County Land Development Code; and
 WHEREAS, the Eaton County Planning Commission has taken action on May 3, 2011 to recommend the approval of the request for change in the Land Development District designation.
 NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the County of Eaton, Michigan having considered the findings of facts and recommendations hereby:
 APPROVES the request by Tammy and Grant Emfield, for a change in land use district classification in Section 7.1.2 of the Land Development Code to change a parcel of land at 7175 E. Five Point Highway, Section 5, Hamlin Township from Limited Agricultural (LA) to Industrial (I);
 COM. IN CENTER FIVE POINT HWY 752 FT W OF E LINE OF W 1/2 OF NW FRL 1/4, W 90 FT, N TO SLY LINE OF RR R/W, ELY ALONG R/W TO A POINT DUE N OF BEG, S TO BEG. SEC.5, T1N, R3W, HAMLIN TOWNSHIP
 Seconded by Commissioner Hosey. Carried.

Commissioner Baker moved the approval of Resolution. #11-5-37,
 WHEREAS, the Michigan Energy Office, Michigan Strategic Fund (MEO) has made available grant funding under the Michigan Recovery and Reinvestment Plan; and
 WHEREAS, on May 4, 2011, the MEO announced the Energy Efficiency and Conservation Block Grant (EECBG) program, funded by the American Recovery and Reinvestment Act of 2009 (ARRA), for the purpose of implementing energy efficiency and conservation strategies; and
 WHEREAS, the Eaton County Department of Resource Recovery is preparing a grant proposal for this program; and
 WHEREAS, Eaton County Department of Resource Recovery has determined multiple uses for the funding to implement proposed goals immediately, as stated by the ARRA; and
 WHEREAS, the grant application up to a maximum of \$100,000 would be utilized to reduce energy consumption within the Eaton County Governmental Complex by installing advanced lighting technologies and by implementing multiple inexpensive energy efficiency strategies as recommended, to be completed as part of the grant; and
 WHEREAS, applying these strategies promotes energy savings, reduces greenhouse gas emissions, creates and/or retains jobs, and provides an opportunity to educate Eaton County residents on methods to improve energy efficiency in the home.
 NOW, THEREFORE, BE IT RESOLVED, that Eaton County Resource Recovery is authorized to prepare and submit the above grant application for funding through MEO; and
 BE IT FURTHER RESOLVED, that this program, upon completion of the grant period, will be reviewed for its effectiveness, efficiency, and progress by the Eaton County Department of Resource Recovery; and
 BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners or his designee is authorized to sign any necessary documents or contracts.
 Seconded by Commissioner Barr. Carried.

Commissioner Baker moved Larry Bond be appointed to the Construction Code Board of Appeals to fill an unexpired term expiring on 12-31-12. Seconded by Commissioner Hosey. Carried.

Commissioner Mulder moved the approval of the 2011 Taxable Valuation Report. Seconded by Commissioner Whittum. Carried. (Copy on file)

Commissioner Whittum moved the approval of Resolution #11-5-38,
 WHEREAS, John & Judith Locke filed a Farmland and Open Space Application for property located in Benton Township with the Eaton County Clerk's Office in February of 2011; and
 WHEREAS, this application includes 151.77 acres; and
 WHEREAS, the applicant is requesting a 10 year agreement; and
 WHEREAS, a copy of this application was sent to all reviewing agencies as required by the act; and
 WHEREAS, the Eaton County Ways & Means Committee has reviewed this application and is recommending approval.

THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners at its regularly scheduled meeting on May 18, 2011 does hereby approve the Farmland and Open Space Application filed by John & Judith Locke for property located in Benton Township.

Seconded by Commissioner Hosey. Carried.

Commissioner Mulder moved the approval of Resolution #11-5-39,
WHEREAS, Section 276, Chapter 11, of Act 40, Public Acts of Michigan, 1956, as amended (the "Drain Code"), authorizes the Board of Commissioners of Eaton County, Michigan (the "County"), to adopt a resolution pledging the full faith and credit of the County for the prompt payment of principal of and interest on drain bonds issued pursuant to the Drain Code; and
WHEREAS, proceedings have been undertaken to locate, establish, construct, reconstruct, improve and/or maintain a certain drain designated as the Thornapple Extension Drain (the "Drain"), serving the area designated as the Thornapple Extension Drain Drainage District (the "Drainage District"); and
WHEREAS, the total cost of the Drain improvements is estimated to be One Million One Hundred Thousand Dollars (\$1,100,000); and
WHEREAS, the Drainage District desires to issue bonds sufficient to fund the cost of the Drain improvements, which bonds shall be designated as the "2011 Thornapple Extension Drain Bonds" (the "Bonds") in a principal amount not to exceed One Million One Hundred Thousand Dollars (\$1,100,000).
NOW, THEREFORE, BE IT RESOLVED THAT pursuant to the authorization provided in said Section 276, Chapter 11, of the Drain Code, in consideration of the public health and welfare of the County and in order to successfully finance the location, relocation, establishment, construction, reconstruction, maintenance and/or improvement of the Drain, together with its necessary branches thereto, the Board of Commissioners of the County does hereby pledge the full faith and credit of the County for the prompt payment of principal of and interest on the Bonds, subject to constitutional and statutory tax rate limitations, in an amount not to exceed One Million One Hundred Thousand Dollars (\$1,100,000); and
BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

Seconded by Commissioner Ridge. Carried.

Commissioner Mulder reported there were no 2010/2011 General Fund Budget Amendments to approve. Balance in the Contingency Fund is \$287,514.

Commissioner Mulder moved the approval of Resolution #11-5-40,
WHEREAS, the Eaton County 2010/2011 Appropriations Act of September 15, 2010 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 or department 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 2010/2011 Eaton County Budget:

DRUG FORFEITURE PROSECUTOR - 284

Increase	Fund Balance Carryover	\$ 3,000
Increase	Contractual	\$ 3,000

To increase budget for internal control procedure review for cash receipt process.

Seconded by Commissioner Eakin. Carried.

Commissioner Eakin moved the approval of claims as audited by the Ways and Means Committee in the amount of \$365,243.73 and to accept the report of previously authorized payments. Seconded by Commissioner Ridge. Carried.

Commissioner Baker moved the approval of Resolution #11-5-41,
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, 2011 to September 30, 2012; and
WHEREAS, the Eaton County Community Corrections Advisory Board on May 6, 2011 has reviewed and is recommending the submission of a request for funds for the 2011/2012 fiscal year in the amount of \$178,924 for comprehensive plans and services and \$22,014 for Drunk Driver Jail Reduction Program.
NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners authorizes the submission of the above entitled grants; and
BE IT FURTHER RESOLVED, that if the grant is not continued or requires a County General Fund contribution, the continuation of the grant funded positions will be reviewed by the appropriate Committees to determine the necessity of General Fund commitment.
BE IT FURTHER RESOLVED, that the Controller be authorized to approve any necessary budget amendments to increase expenditures and increase grant revenue if the grant is approved by the State of Michigan; 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.

Seconded by Commissioner Barr. Carried.

Commissioner Mulder moved the approval of Resolution #11-5-42,
WHEREAS, The Prosecuting Attorney is interested in providing municipal prosecution services to the Cities of Eaton Rapids and Charlotte for the prosecution of municipal ordinance violations; and
WHEREAS, the cities are interested in entering into such an agreement, as a collaborative and cost-savings measure; and
WHEREAS, the contract provides for the Prosecuting Attorney to receive the revenue generated through the prosecution of municipal ordinance violations; and
WHEREAS, the initial contractual term shall commence on June 1, 2011 and continue through September 30, 2011; and
WHEREAS, the Ways & Means Committee has reviewed and is recommending approval of the contract to provide municipal prosecution services.
NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners approves the contract for municipal prosecution services with the Cities of Eaton Rapids and Charlotte; and
BE IT FURTHER RESOLVED, that the Chairman of the Board of Commissioners is authorized to sign the contracts, subject to their approval by the respective City Councils.

Seconded by Commissioner Boles. Carried.

Public Comment. Drain Commissioner Michael Atayan thanked the Board for passing the Thornapple Extension Drain Bonds resolution.

Commissioner Comment. Commissioner Mulder invited Commissioners to Grand Ledge on Saturday, May 28th for a Vietnam Memorial dedication at the cemetery after the parade.

Chairman Forell extended condolences to the family of former Commissioner Bob Johnson who passed away recently.

There was no Unfinished Business or Old Business.

New Business.

Commissioner Forell moved the approval of Resolution #11-5-43,
WHEREAS, in 2001 an Employee Recognition Committee was formed to determine ways to recognize Eaton County employees; and
WHEREAS, the Committee has continued to meet annually since 2001 and this year has decided that the County will sponsor an employee picnic to recognize the efforts of County employees; and
WHEREAS, June 15, 2011 is the date selected for this year's picnic; and
WHEREAS, the Eaton County Board of Commissioners recognizes the excellent, dedicated and loyal service that its employees render daily to the citizens of Eaton County; and
WHEREAS, The Board of Commissioners extends its thanks and appreciation to all County employees.
NOW, THEREFORE, BE IT RESOLVED, the Eaton County Board of Commissioners does hereby declare Wednesday, June 15, 2011 as Employee Recognition Day in Eaton County.
BE IT FURTHER RESOLVED, this Resolution shall be signed by the Chairman of the Board of Commissioners, the Clerk of the County and shall bear the seal of the County. A copy of this resolution will be attached to the permanent records of Eaton County.

Seconded by Commissioner Barr. Carried.

Commissioner Baker moved the meeting adjourn to Tuesday, June 7, 2011 at 7:00 PM. Seconded by Commissioner Whittum. Carried.

Chairman of the Board of Commissioners

Clerk of the Board of Commissioners