

COUNTY BOARD OF COMMISSIONERS

MARCH 20, 2013

The Eaton County Board of Commissioners met in regular session at the County Facilities in the City of Charlotte, Wednesday, March 20, 2013.

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

Pledge of Allegiance was given by all.

Invocation was given by Commissioner Eakin.

Roll call. Commissioners present; Michael Hosey, Blake Mulder, Terrance Augustine, Howard T. Spence, James Osieczonek, Jane M. Whitacre, Joseph Brehler, Walter Miars, Wayne Ridge, Roger Eakin, L. Daryl Baker, Jeremy Whittum, Roger Harris. Commissioners absent: Dale Barr, Glenn Freeman.

Chairman Mulder asked for amendments to the agenda. Commissioner Eakin requested the addition of item #6 Easement Acquisitions to the Ways and Means Committee report.

Commissioner Hosey moved the agenda be approved as amended. Seconded by Commissioner Augustine. Carried.

Commissioner Baker moved the minutes of February 20, 2013 be approved as presented. Seconded by Commissioner Eakin. Carried.

Communications: none

Mark Kettner, principal with the Rehman Group, the County's independent auditor, presented the Eaton County Audit Report for the year ending September 30, 2012. He noted that the report contained an unqualified opinion on the financial statements.

Mr. Bob Trezise, CEO of the Lansing Economic Area Partnership (L.E.A.P.) spoke regarding the economic development organization which serves the counties of Clinton, Eaton and Ingham and encouraged the Board to consider joining the organization.

Public Comment: None

Commissioner Whittum moved the approval of Resolution #13-3-19 to authorize the Resolution Declaring National Public Safety Telecommunications Week.
WHEREAS, emergencies can occur at anytime that require police, fire or emergency medical services; and
WHEREAS, when an emergency occurs the prompt response of law enforcement, firefighters and paramedics is critical to the protection of life and preservation of property; and
WHEREAS, the safety of our police officers, firefighters, and emergency medical personnel is dependent upon the quality and accuracy of information obtained from citizens who telephone Eaton County Central Dispatch; and
WHEREAS, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and
WHEREAS, Public Safety Dispatchers are the single vital link for our law enforcement, fire, and emergency medical personnel by monitoring their activities by radio, providing them information and insuring their safety; and
WHEREAS, Public Safety Dispatchers of Eaton County Central Dispatch contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and
WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year;

NOW, THEREFORE, BE IT RESOLVED that the Eaton County Board of Commissioners declares the week of April 14 through April 20, 2013 to be National Telecommunications Week in Eaton County, in honor of the men and women whose diligence and professionalism keep our County and citizens safe.

Seconded by Commissioner Baker. Carried.

Commissioner Eakin moved the approval of Resolution #13-3-20 for Resolution to Accept September 30, 2012 Audit Report.

WHEREAS, the firm of Rehmann Robson completed an Audit of Eaton County for the year ending September 30, 2012; and

WHEREAS, such Audit and the recommendations included therein have been reviewed by the Ways and Means Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners accepts the 2011/2012 Eaton County Audit.

Seconded by Commissioner Baker. Carried

Commissioner Eakin moved the approval of Resolution #13-3-21 for Resolution to Approve an Application for Farmland and Open Space Development Rights Agreement PA 116 for Sharlene K. Winslow Trust.

WHEREAS, Sharlene K. Winslow Trust filed a Farmland and Open Space Application for property located in Eaton Rapids Township, with the Eaton County Clerk's Office in January 2013; and

WHEREAS, this application includes Parcel # 23-120-003-100-036-00 of which totals 22.50 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 March 20, 2013 does hereby approve the Farmland and Open Space Application filed by Sharlene K. Winslow Trust property located in Eaton Rapids Township.

Seconded by Commissioner Whittum. Carried

Commissioner Eakin moved the approval of Resolution #13-3-22 for Resolution to Approve an Application for Farmland and Open Space Development Rights Agreement PA 116 for Stephen R. Tennes.

WHEREAS, Stephen R. Tennes owner of Country Mill Farms, LLC filed a Farmland and Open Space Application for property located in Benton Township, with the Eaton County Clerk's Office in January 2013; and

WHEREAS, this application includes Parcel # 23-070-021-100-060-01 of which totals 40.09 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 March 20, 2013 does hereby approve the Farmland and Open Space Application filed Stephen R. Tennes owner of Country Mill Farms, LLC property located in Benton Township.

Seconded by Commissioner Ridge. Carried

Commissioner Eakin moved the approval of Resolution #13-3-23 for 2012/2013 Budget Amendments.

WHEREAS, the Eaton County 2012/2013 Appropriations Act of September 19, 2012 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 2012/2013 Eaton County Budget:

GENERAL FUND

JUVENILE COURT

Increase	Overtime	\$	5,000
Decrease	Salaries Regular	\$	5,000

To increase overtime line-item for coverage during position vacancy.

TRANSFERS-OUT - 999

Increase	Cigarette Transfer (Health Dept/Youth Facility)	\$	5,700
Increase	State Revenue	\$	5,700

To increase transfer for the cigarette tax allocated from the State to the Health Department and Youth Facility.

SPECIAL REVENUE FUND

CHILD CARE FUND - 292

Increase	Transfers-In	\$	1,677
Decrease	Fund Balance Carryover	\$	1,677

To increase transfer-in for the cigarette tax allocated from the State to the Youth Facility.

COMPUTER FUND - 298

Increase	Computer Equipment	\$	3,000
Increase	Transfers-In	\$	3,000

To increase budget for the purchase of scanners for Register of Deeds use.

REGISTER OF DEEDS TECHNOLOGY FUND - 257

Increase	Transfers-In	\$	3,000
Increase	Fund Balance Carryover	\$	3,000

To increase transfers to the Computer Fund for the purchase of scanners for Register of Deeds use.

Seconded by Commissioner Augustine. Carried

Commissioner Eakin moved the approval of claims as audited by the Ways and Means Committee in the amount of \$323,796.07 and to accept the report of previously authorized payments. Seconded by Commissioner Hosey. Carried.

Commissioner Eakin moved the approval of document #13-3-24, a Right of Way Easement for public ingress and egress to the Thornapple Trail between Eaton County and property owners Mitchel F. Hopkins and Iva E. Hopkins, contingent upon the execution of the easement by the property owners.

Seconded by Commissioner Baker. Carried.

Public Comment: None

Commission Comments: None

There was no New Business, Unfinished Business, or Old Business.

Chairman Mulder adjourned the meeting to Wednesday, April 17, 2013 at 7:00 PM.

Blake Mulder
Chairman of the Board of Commissioners

Diana Bosworth
Clerk of the Board of Commissioner

EATON COUNTY BOARD OF COMMISSIONERS

March 20, 2013

**RESOLUTION DECLARING
NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK**

Introduced by the Public Safety Committee

Commissioner Whittum moved the approval of the following resolution. Seconded by Commissioner Baker.

WHEREAS, emergencies can occur at anytime that require police, fire or emergency medical services; and

WHEREAS, when an emergency occurs the prompt response of law enforcement, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers, firefighters, and emergency medical personnel is dependent upon the quality and accuracy of information obtained from citizens who telephone Eaton County Central Dispatch; and

WHEREAS, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Dispatchers are the single vital link for our law enforcement, fire, and emergency medical personnel by monitoring their activities by radio, providing them information and insuring their safety; and

WHEREAS, Public Safety Dispatchers of Eaton County Central Dispatch contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year;

NOW, THEREFORE, BE IT RESOLVED that the Eaton County Board of Commissioners declares the week of April 14 through April 20, 2013 to be National Telecommunications Week in Eaton County, in honor of the men and women whose diligence and professionalism keep our County and citizens safe. Carried.

EATON COUNTY BOARD OF COMMISSIONERS

MARCH 20, 2013

**RESOLUTION TO ACCEPT THE SEPTEMBER 30, 2012
EATON COUNTY AUDIT**

Introduced by the Ways and Means Committee

Commissioner Eakin moved the approval of the following resolution. Seconded by Commissioner Baker.

WHEREAS, the firm of Rehmann Robson completed an Audit of Eaton County for the year ending September 30, 2012; and

WHEREAS, such Audit and the recommendations included therein have been reviewed by the Ways and Means Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners accepts the 2011/2012 Eaton County Audit. Carried.

EATON COUNTY BOARD OF COMMISSIONERS

March 20, 2013

**RESOLUTION TO APPROVE AN
APPLICATION FOR A FARMLAND AND OPEN SPACE
DEVELOPMENTAL RIGHTS AGREEMENT
(PUBLIC ACT 116 OF 1974, AS AMENDED)**

Introduced by the Ways & Means Committee

Commissioner Eakin moved to the approval of the following resolution. Seconded by Commissioner Whittum.

WHEREAS, Sharlene K Winslow Trust filed a Farmland and Open Space Application for property located in Eaton Rapids Township, with the Eaton County Clerk's Office in January 2013; and

WHEREAS, this application includes Parcel # 23-120-003-100-036-00 of which totals 22.50 acres; and

WHEREAS, the applicant is requesting a 10 year agreement; and

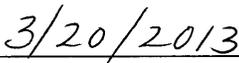
WHEREAS, a copy of this application was sent to all reviewing agencies as required by the act; and

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 March 20, 2013 does hereby approve the Farmland and Open Space Application filed by Sharlene K. Winslow Trust property located in Eaton Rapids Township. Carried.



Diana Bosworth, County Clerk



Date

EATON COUNTY BOARD OF COMMISSIONERS

March 20, 2013

**RESOLUTION TO APPROVE AN
APPLICATION FOR A FARMLAND AND OPEN SPACE
DEVELOPMENTAL RIGHTS AGREEMENT
(PUBLIC ACT 116 OF 1974, AS AMENDED)**

Introduced by the Ways & Means Committee

Commissioner Eakin moved the approval of the following resolution. Seconded by Commissioner Ridge.

WHEREAS, Stephen R Tennes owner of Country Mill Farms, LLC filed a Farmland and Open Space Application for property located in Benton Township, with the Eaton County Clerk's Office in January 2013; and

WHEREAS, this application includes Parcel # 23-070-021-100-060-01 of which totals 40.09 acres; and

WHEREAS, the applicant is requesting a 10 year agreement; and

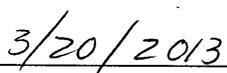
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WHEREAS, the Eaton County Ways & Means Committee has reviewed this application and is recommending approval.

THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners at its regularly scheduled meeting on March 20, 2013 does hereby approve the Farmland and Open Space Application filed Stephen R Tennes owner of Country Mill Farms, LLC property located in Benton Township. Carried.



Diana Bosworth, County Clerk



Date

EATON COUNTY BOARD OF COMMISSIONERS

MARCH 20, 2013

**RESOLUTION TO APPROVE
2012/2013 BUDGET AMENDMENTS**

Introduced by the Ways and Means Committee

Commissioner Eakin moved the approval of the following resolution. Seconded by Commissioner Augustine.
WHEREAS, the Eaton County 2012/2013 Appropriations Act of September 19, 2012 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 2012/2013 Eaton County Budget:

GENERAL FUND

JUVENILE COURT

Increase	Overtime	\$ 5,000
Decrease	Salaries Regular	\$ 5,000

To increase overtime line-item for coverage during position vacancy.

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SPECIAL REVENUE FUND

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COMPUTER FUND - 298

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Increase	Transfers-In	\$ 3,000

To increase budget for the purchase of scanners for Register of Deeds use.

REGISTER OF DEEDS TECHNOLOGY FUND - 257

Increase	Transfers-In	\$ 3,000
Increase	Fund Balance Carryover	\$ 3,000

To increase transfers to the Computer Fund for the purchase of scanners for Register of Deeds use.

Carried.

RIGHT OF WAY EASEMENT

Commissioner Eakin moved the following document. Seconded by Commissioner Baker.

This Agreement is made this ___ day of _____, 2013, by and between **MITCHEL F. HOPKINS** and **IVA E. HOPKINS** (f/k/a Iva E. Closson), husband and wife, whose address is 11510 Nashville Hwy., Nashville, MI 49073 (hereafter, "Grantors"), and **EATON COUNTY**, a Michigan political subdivision, whose address is 1045 Independence Blvd., Charlotte, Michigan 48813 (hereafter, "the County").

WHEREAS, Grantors own four parcels of real property in the Township of Vermontville; Eaton County, Michigan, as more fully described in Exhibit A (hereafter, collectively, "the Premises"); and

WHEREAS, the County desires to obtain a right of way from Grantors over and upon a portion of the Premises, which is depicted and delineated on Exhibit B (hereafter, "the Easement Area"), for the purposes of public ingress and egress, and of constructing and maintaining an unpaved public trail as part of the Thornapple Trail within the Eaton County Parks system for the use of the public for pedestrian and non-motorized travel; and

WHEREAS, the parties hereto desire to enter into an agreement for the grant of a right of way easement.

NOW, THEREFORE, in consideration of Thirty Thousand and No/100 Dollars (\$30,000.00) paid by the Thornapple Trail Association on behalf of the County to Grantors, receipt of which is acknowledged, **IT IS AGREED AS FOLLOWS:**

1. Grantor grants to the County a right of way easement for public ingress and egress over the Easement Area depicted in Exhibit B for pedestrian and non-motorized travel, for a period of 30 years from the date of execution by all parties of this Right of Way Easement. The Easement Area is more specifically described as a 14-foot wide strip of land centered on an abandoned railroad bed, and is limited to the surface of the abandoned railroad bed for use as a linear park to be connected to the existing Thornapple Trail within the Eaton County Parks system. The County shall have the option of renewing this Right of Way Easement for a successive 30-year period, on the same terms and conditions, upon notice to Grantors or their successors at any time within the initial 30-year easement period.

EXHIBIT A

Legal Description of Premises

Land situated in the Township of Vermontville, County of Eaton, State of Michigan, described as:

That part of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ and the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 30, Town 3 North, Range 6 West, Eaton County, Michigan, lying South of the main channel of the Thornapple River and North of the railroad right of way. Also the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30 lying North of the railroad right of way, Towns 3 North, Range 6 West, Eaton County, Michigan, subject to all conditions, restrictions and easements of record.

(Parcel No. 050-030-400-055)

and

That part of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Sec. 31, T3N, R6W, Vermontville Twp., that lies North of Nashville Hwy., except the Railroad right of way.

(Parcel No. 050-031-100-040)

and

All that strip or parcel of land, one hundred (100) feet wide, situate in the Township of Vermontville, County of Eaton, State of Michigan, being part of the South Half of Section 30 and part of the Northeast Quarter of the Northwest Quarter of Section 31, Township 3 North, Range 6 West, and being all of the right, title and interest of the Grantor to all those certain pieces or parcels of land and premises, easements, rights-of-way and any other rights of any kind whatsoever appurtenant thereto or used in conjunction therewith on and along that property of the former Grand Rapids Branch of the Michigan Central Railroad Company and the Penn Central Corporation, described as follows:

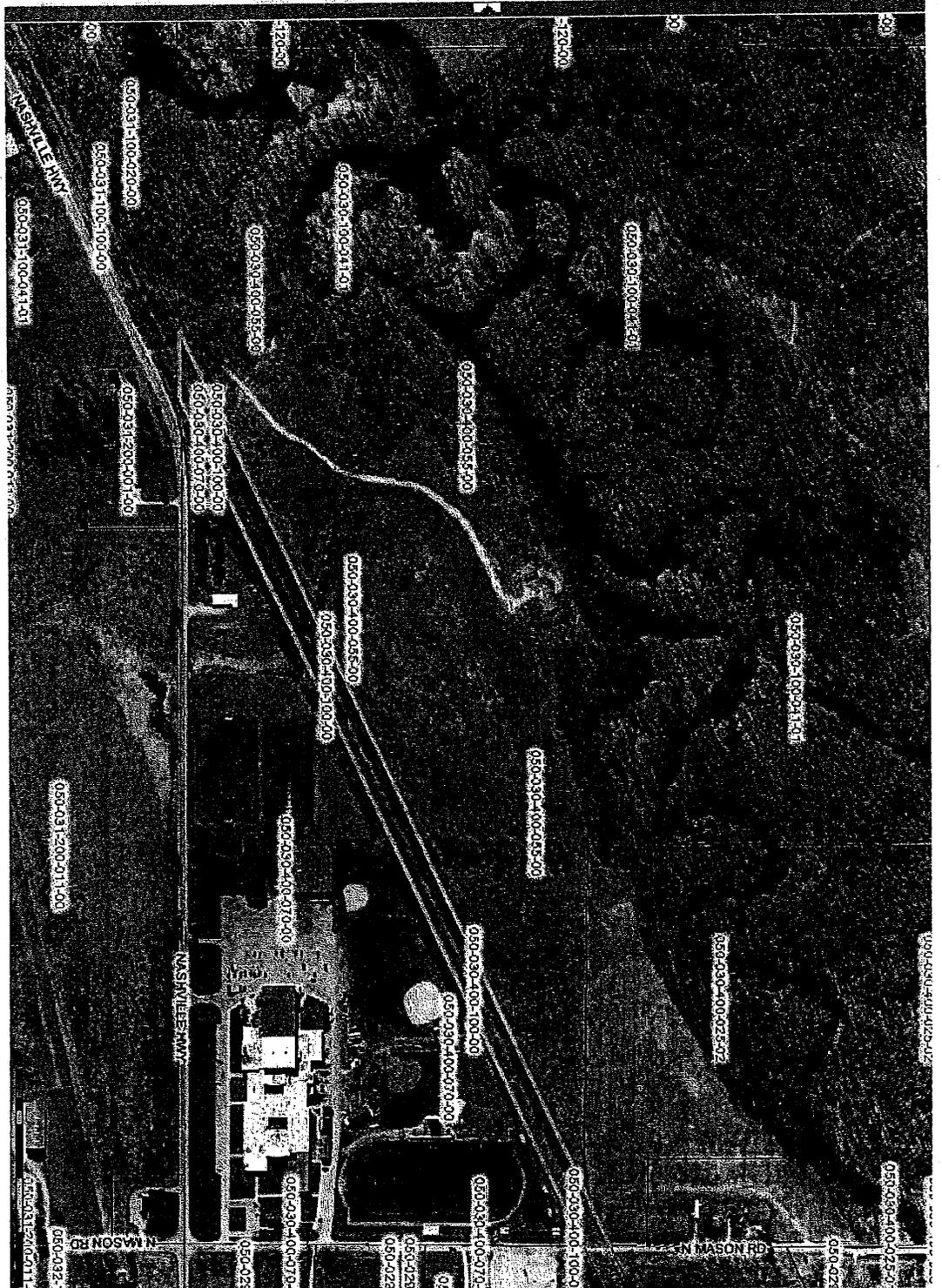
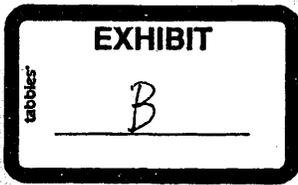
Beginning at the East line of the Southeast Quarter of said Section 30 as extended across the right-of-way of said railroad through a point in the centerline thereof at Railroad Valuation Station 1959+81, more or less, the same being within the limits of Mason Road; thence extending in a southwesterly direction along the centerline of said railroad a distance of 4,279 feet, more or less, to the West line of the Northeast Quarter of the Northwest Quarter of said Section 31 as extended across the right-of-way of said railroad through a point in the centerline thereof at Railroad Valuation Station 2002+60, more or less, the place of ending.

(Parcel No. 050-030-400-100-00, and Parcel No. 050-031-100-020-00).

Eaton County Parcel Information

Owner Information	
050-030-400-100-00	
HOPKINS, MITCHEL & GLOSSON, IVA	
11510 NASHVILLE HWY	
NASHVILLE, MI 49073-0000	
Parcel Address	
0 N MASON RD	
Tax Information	
ASSESSED VALUE	8101
TAXABLE VALUE	2766
TAXING UNIT	050
Parcel Information	
ACRES	0
SUBDIVISION	23065
SCHOOL DISTRICT	402
CLASS	LA
ZONING	LA

Click the Parcel ID # to be directed to the BSA Assessment data.



9. Grantors warrant that they have good and marketable title to the Easement Area, and that they have the authority to grant this Right of Way Easement to the County. The easement shall constitute a burden upon the land and shall run with the land, and shall be binding upon and inure to the benefit of the parties, their successors and/or assigns. The County shall not assign or convey its rights in the Easement Area to any other person or entity without the prior written consent of the Grantors or their successors.

10. Grantors reserve, for themselves, their successors and/or assigns, the right to cross the Easement Area, including by the use of motor vehicles, for ingress and egress to the Premises, and the right to have public utilities installed on the Easement Area.

11. In the event that the Grantors or their successors receive a bona fide offer to purchase the Premises (including the Easement Area), the County shall have the right of first refusal to purchase the Premises upon terms equal to those received by Grantors by a bona fide purchaser which Grantors wish to accept. In order to exercise the right of first refusal, the County must, within forty-five (45) days of receipt from Grantors of notice of any bona fide offer to purchase, send written notice to Grantors of its intent to match the bona fide offer. In that event, the County must complete its purchase within ninety (90) days of sending its notice to Grantors, or the time period specified in the offer, whichever is longer. Notices for these purposes should be addressed to the parties and sent by certified mail.

12. The persons signing this agreement on behalf of the parties certify by their signatures that they are duly authorized to sign this agreement on behalf of the parties, and that this agreement has been authorized by the parties.

IN WITNESS WHEREOF, the authorized representatives of the parties hereto have fully signed and entered into this agreement on the day and year first above written.
Carried.

GRANTORS

Mitchel F. Hopkins

Iva E. Hopkins
(f/k/a Iva E. Closson)

STATE OF MICHIGAN)
COUNTY OF _____)

This Right of Way Easement was acknowledged before me, a Notary Public, this ____ day of _____, 2013, by Mitchel F. Hopkins and Iva E. Hopkins (f/k/a Iva E. Closson), husband and wife.

_____, Notary Public
_____, County, Michigan
Acting in _____ County, Michigan
My Commission Expires: _____

EATON COUNTY

By: _____
Blake Mulder, Chairman
County Board of Commissioners

STATE OF MICHIGAN)
COUNTY OF EATON)

This Permanent Right of Way Easement was acknowledged before me, a Notary Public, this ____ day of _____, 2013, by Blake Mulder, Chairman, Eaton County Board of Commissioners.

_____, Notary Public
Eaton County, Michigan
Acting in Eaton County, Michigan
My Commission Expires: _____

Drafted by:
Timothy M. Perrone (P37940)
Cohl, Stoker & Toskey, P.C.
601 N. Capitol Ave.
Lansing, MI 48933
(517) 372-9000

When recorded return to:
Eaton County Controller
1045 Independence Blvd.
Charlotte, MI 48813

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2. Grantors further grant to the County and its agents and employees with necessary equipment, a right of way easement to perform any activities necessary to construct, repair, replace or maintain the Easement Area depicted in Exhibit B as an unpaved public trail for pedestrian and non-motorized travel as part of the Thornapple Trail within the Eaton County Parks system. The County shall have the right to remove or trim any and all trees, brush, or plants within the Easement Area which, in the opinion of the County, would interfere with construction, repair, replacement or maintenance procedures in the Easement Area.

3. Grantors further grant to the County an easement over such other portions of the Premises described in Exhibit A as may be necessary to construct, repair, replace, or maintain the public trail within the Easement Area. The County agrees to repair, replace or restore any improvements, including landscaping, lawns, and plantings outside the Easement Area that are damaged or destroyed due to the County's construction, maintenance and repair operations.

4. With the exception of existing and future underground and overhead utility easements on the Premises, and except as provided in Paragraph 10, the County shall have exclusive possession and control over the Easement Area, and shall be solely responsible for the operation, maintenance and repair of the public trail over and upon the Easement Area.

5. The County may use motorized vehicles and equipment within the Easement Area to construct, relocate, maintain, repair and patrol the trail, and for medical emergencies. The County may permit motor-driven wheelchairs or all-terrain vehicles for the use of disabled persons within the Easement Area.

6. The County, with Grantors' prior written consent, may erect and maintain such fencing and barriers within the Easement Area as may be reasonably necessary to prevent access to the trail by motor vehicles. The County shall have the right to erect reasonable signs, blazing or other markings within the Easement Area to inform the public of the trail location or other trail features. Grantors shall not erect fences, barriers or signs that impede access to or use of the trail. All appurtenances and/or equipment relating to the County's use and construction over the Easement Area shall be owned and maintained by the County.

7. The County shall not otherwise make any capital improvements to the Easement Area, including paving, without the prior written consent of Grantors or their successors. Grantors shall not construct any buildings or other obstructions within the Easement Area, or grant easements within the Easement Area to any other person or entity.

8. The County agrees to list the Grantors or their successors as an additional insured under the County's liability coverage policy as to the County's use of the Easement Area, and as to the use of the public over the Easement Area.