

**Cheboygan County Board of Commissioners
Committee of the Whole Meeting
August 25, 2020**

The Committee of the Whole Meeting of the Cheboygan County Board of Commissioner was called to order in the Commissioners Room and via telephonic conference by Commissioner Wallace at 9:30 a.m.

Roll called and a quorum present.

PRESENT: Commissioners Mary Ellen Tryban, Richard Sangster, Michael Newman, Ron Williams (sworn in at 9:37 a.m.), Roberta Matelski, John Wallace and Steve Warfield

ABSENT: None

Also in attendance: Louis Vallance, John Moore, Scott Swanson, Kortny Hahn, Sheriff Dale Clarmont, Treasurer Buffy J. Weldon, Kathy Morrow, Administrator Jeff Lawson, IT Director Dave Berg, Karen Johnson, and County Clerk Karen L. Brewster.

Commissioner Wallace gave the invocation and Commissioner Newman led the Pledge of Allegiance

Motion by Commissioner Warfield, seconded by Commissioner Sangster, to approve the agenda as presented. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

CITIZENS COMMENTS

Louis Vallance citizen of Grant Township commented on Emmet County's discontinuation of EMGO in 2021. He suggested doing some sort of millage proposal for Cheboygan County. He also suggested that there were other parts of this county to supply transportation to other than the City of Cheboygan, Mackinaw City and Indian River and he wanted to supply everyone who needs it and wants it. He addressed safety issues in the building and the wording of signs outside of the building needing to be updated to be in compliant with executive orders.

Commissioner Newman introduced Ron Williams as the candidate for appointment to the seat of District #4 County Commissioner. There was much research done on this appointment by the Republican Party, pursuant to the statute. The party has done their homework and put Mr. Williams on the ballot in November. There were four (4) candidates who had expressed interest in filling for the seat vacated by the death of Commissioner Cal Gouine earlier this month. Two (2) candidates withdrew. Interviews were completed and the county's Republican Party felt that Mr. Williams was the best fit to fill this seat.

Motion by Commissioner Newman, seconded by Commissioner Tryban to appoint Ron Williams to fill the vacant seat of the Cheboygan County Commissioner – District #4. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

County Clerk Karen L. Brewster gave the Oath of Office to Ron Williams as the new Cheboygan County Commissioner – District #4. Applause was given.

SCHEDULED VISITORS/DEPARTMENT REPORTS

Veterans Director Rick Wiles presented the 2019 Veteran's Service Annual Report. In 2019, Cheboygan County VA Benefits have been granted to over 2,200 veterans in Cheboygan County. VA Benefits not only improve the veterans' life, but also the local economy. Over \$21.5 million dollars in federal benefits in FY 2019 were awarded to Cheboygan County Veterans per Geographic Distribution of VA Expenditures (GDx) FY 2019. This is an approximately increase

of over \$1.2 million dollars from 2018, mostly due to Compensation and Pension Claims. Services that are provided were given. Staff is normally managing an average 75 claims in various stages of completion on any given day. With the new VA Appeals program, staff has started arguing more cases for the veterans. Monthly office meetings were started in Wolverine. Staff has assisted VSOs from surrounding Counties with claim and procedural questions. A Veterans Benefit Fair at the Eagles (FOE) in Cheboygan was hosted on September 26 with 140+ attendees. Staff hosted a VA Medical Town Hall meeting in Mackinaw City at the American Legion. Monthly Veterans Coffee hour is held on the 4th Wednesday at the American Legion. Staff attended State training to maintain accreditation with the NACVSO, State Coalition Training, MVTF Annual Training, CVSF Grant Training, National training in Cleveland for CEU's, and National Training to become an advanced NACVSO Certified Veterans Advocate. Staff held a Memorial Day Remembrance ceremony at Festival Square. In 2020, the VA applied for and received "FY20 County Veteran Service Fund – Emergency Relief" grant from the State totaling \$25,000. \$2,000 of that grant is in Meijer Food Vouchers. VA Hot items were the Blue Water Navy Act finished its preliminaries and started January 1, 2020 rating claims. In October 1, 2020, the Family Caregiver Program portion of the June 2019 Mission Act for VA healthcare starts. On September 9, 2019, the U.S. Court of Appeals for the Veterans Claims (CAVC) ruled in a case style Wolfe vs. Wilkie, that VA's 2018 reimbursement regulation violates the Emergency Care Fairness Act of 2010 (ECFA) that requires VA to reimburse veterans for the emergency medical expenses they incur at non-VA facilities that are not covered by the veteran's private insurance. The CAVC certified the case as a class action and ordered the VA to remedy its unlawful regulation by reimbursing veterans for all of their past and future out-of-pocket emergency medical expenses not covered by the veteran's private insurance other than copayments. Letters started going out in late April. 2020 Goals for the VA Department are as follows: Establish a new Veterans Sub-committee; maintain service under COVID conditions; all office staff to maintain currency in VA benefits and programs; VSO continue Advanced Courses for Certified Veterans Advocate (CVA). This VA Appeal training targets Board of Veterans Appeals cases; seek to actively educate the community about available veteran services and benefits; increase community outreach throughout the entire county; provide support for county veteran events; stay updated on all the rapid changes in VA policy and improve service under COVID conditions. VA Services Office Statistics were as follows: Total walk-ins & appointments for 2019 totaled 1,336; the office received 2,975 phone calls; 287 scheduled appointments and 1,049 walk-ins. The claims processed by type were as follows: 43 Intent to File; 82 Compensations; 12 Pensions; 26 Surviving Spouse Benefits; 19 Appeals Processing; 66 Burial Benefits; 47 Healthcare; 58 Records Requests and 7 Homeless (NEMCSA). Veterans expenditures in Cheboygan County, which were monies coming into the County through VA Benefits were \$21,520,000. The Veterans population for Cheboygan County was 9.0%. The VSO provides financial assistance for emergency needs to qualified veterans and their families for temporary assistance covering emergencies or hardships concerning shelter, food utilities, automobiles, and other circumstances. Assistance MUST be for an emergency and not for the relief of an inconvenience, want, or desire and cannot be used for long term or reoccurring problems. There were three assistance funds available through their office and each had specific eligibility requirements for the veteran or family member to qualify as follows: Veterans Assistance Fund (funded solely by donations), Soldiers Relief Fund (funded by Cheboygan County), and MI Veterans Trust Fund (funded by MVTF) (State). If approved, assistance was always paid directly to a vendor, not the applicant. Financial assistant accounts were paid from the Veterans Assistance Fund of \$1,742.81; Soldier Relief Fund of \$1,632.83 and MI Veterans Trust Fund of \$9,278.60. The county office regained control of the DAV Van operations in March 2016. At that time, veterans were only being transported to Mackinaw City or Gaylord. They worked with the VA in Saginaw to get permission to expand their travel limits and were now able to transport veterans not only to regular VA medical appointments, but also to any VA referred private medical appointment within the state. They were also able to use any

prearranged high visibility, public location as a pickup and drop off spot to make it more convenient for the county veterans. Presently, included were Veteran Service buildings, Mackinaw CBOC, and Assisted Living facilities. Van rides were dependent on volunteer driver availability and weather. Average time for a volunteer driver to go through the approval process had been 1-2 months. The DAV van's annual miles totaled 22,818 with 76 veterans driven by eight (8) drivers, which as of today is now down to four (4) volunteer drivers. Volunteer Driver Hours equaled 600+; fuel costs (covered under the program) of \$2,603.55 and maintenance (covered under the program) of \$2,407.94. The Board of Commissioners and Sheriff Clarmont thanked the Veteran's office for their great service.

Motion by Commissioner Williams, seconded by Commissioner Matelski to receive and file the 2019 Veterans Services Annual Report. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Sheriff Dale Clarmont presented the 2019 Sheriff's Department Annual Report. Through the cooperation and mutual respect, he believed that we have moved and continue to move the Sheriff Department forward with utmost professionalism and fiscal responsibility. The actual expenditures of the Department came in at \$3,955,322 (4.2%) below the requested budget of \$4.1 million. Sheriff Clarmont stated that the jail division revenues were \$291,663, grant funding and donation revenues were \$183,052, and other assorted revenues produced the total revenue for the jail of \$475,037 in 2019. The expenditures of the Department in 2019 were \$3.9 million with the 2019 actual cost totaling \$3.48 million. The average In-County inmate totaled 76.2 inmates per year and the average cost charged was \$35. No out of county inmates jailed. The Cheboygan County Work Crew Program totaled a net savings to taxpayers of \$22,709. The total labor hours were 9,638. Sheriff Clarmont stated that the county work crew program has been a positive thing in Cheboygan County. Road Patrol statistics logged in calls totaling 11,834 and there were 509 arrests in 2019. Continued services from the Cheboygan County Sheriff Department Search and Rescue Team with local fire department of four (4) emergency response calls, which were 100% successful; project lifesaver program and a child missing program; Coats for Kids Program; continued effective School Liaison Officer Program for all Cheboygan County Schools; continued effective ORV/Marine/Snowmobile Patrols and continued Department K-9 Unit. There were a total of 20 calls responded to by the K-9 Unit. Sheriff Clarmont thanked Tony and Roberta Matelski who donated and supported the canine unit. Because of their generosity the county has two dogs and two handler's one for each of the Sheriff Department's shifts. The Sheriff's Department does Community Education/Committee appointments; community drug awareness to MTA; presentations at McLaren Hospital for medical staff; drug awareness presentations at Cheboygan County Schools; appointed to the 53rd Circuit Court Drug Court Panel; bi-monthly Rx drug abuse task force meetings at NMSAS; and appointed to the 89th District Court OWI Court panel member; continuing collaborative effort with the Cheboygan County Council on Aging and have continued hours of the Wolverine substation on Thursdays from 11:00 a.m. to 1:00 P.M.. The Fiscal Year 2019 County Jail Medical Expenditures totaled \$115,296. Sheriff Clarmont reported that the Department was 100% compliance with MSTC Corrections Officers Training Certification; MDOC Administrative Rules and MCOLES training standards. Programs offered within the jail were Alcoholics Anonymous, Community Mental Health, Abuse Counseling and Prevention and Bible Study. Continued success with Department minimum staffing on holidays in 2019 requested \$81,371 and in 2019 expended \$75,519.

Sheriff Dale Clarmont gave an update on the Blight Ordinance. Grant Township Supervisor, Gil Archambo and Beaugrand Township Supervisor, Marcia Rocheleau has volunteered to be the point leaders on this. There were approximately eight (8) townships that have expressed an interest. Contracts were being reviewed by civil counsel for specially one (1) Blight Ordinance. A deputy would be assigned to a particular township for enforcement and the point of contact would be the township supervisor. When working with the Township Supervisors the following

solutions would be given: providing the work crew to help with the cleanup; indigent garbage service would be provided or filing a case with the court.

Motion by Commissioner Newman, seconded by Commissioner Tryban to receive and file the 2019 Sheriff Department's Annual Report. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

ADMINISTRATOR'S REPORT

Administrator Jeff Lawson presented on the CDBG COVID Grant. Staff has submitted initial qualification documents to MEDC for CDBG COVID grant funding. Funding can be used for cost associated with response to COVID-19 not covered by other grand funding. Staff has been in contact with District Health Department #4, which has identified the possibility to coordinate with agencies to provide additional testing capabilities within the County. Staff will also contact other municipal units to inquire if they have had any eligible cost that may be pursued for reimbursement. CDBG funding requires a public hearing to be scheduled to provide an overview of grant funding and permit public comment. The public hearing will be scheduled for the September 8th or 22nd Board meetings to comply with CDBG notification requirements.

Administrator Jeff Lawson presented an update on the Veterans Department Subcommittee Survey. Letters have been sent to the Veterans Service Organizations within the County requesting a recommendation of a member to set as a representative on the Veterans Subcommittee. Once recommendations are provided, the Board Appointment and Procedures Committee will make final recommendations for Board approval.

Administrator Jeff Lawson presented an update on Straits Regional Ride. Emmet County has decided to maintain EMGO routes for the remainder of 2020, but discontinue service in 2021. SRR staff has also been in discussion with Straits Area Service to discuss possible routes for 2021. Straits Area Service routes have been suspended due to COVID-19 since mid-February. School district routes were still intact.

Administrator Jeff Lawson presented on a Septic Permit Appeal. Staff has received a septic permit appeal for Board consideration. When a septic permit is denied by District Health Department #4, the applicant can appeal the decision to the County Board of Commissioners in the County of construction. Staff is currently working with the applicant and the health department to gather the information required for review. The appeal is tentatively scheduled for Board consideration at the September 8, 2020 Finance Business meeting.

OLD BUSINESS – None

NEW BUSINESS

Planning Commission Director Mike Turisk presented Ordinance Amendment #157: An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to the Expiration of Special Use Permits, Site Plan Review Approvals and Zoning Permits. Section 24.2 of Cheboygan County Zoning Ordinance #200 provides for required procedures for processing amendments to the zoning ordinance that include provisions for a public hearing to be held by the Planning Commission, requisite public notice requirements and transmittal of the Planning Commission's recommendation to the Board of Commissioners.

Ordinance Amendment #157 would amend Section 18.12 (Expiration of Special Use), Section

20.16 (Expiration of Site Plan Review) and Section 21.4 (Expiration of a Zoning Permit) of Cheboygan County Zoning Ordinance No. 200 to:

- Allow for a longer period of validity for approved permits; would increase the validity timeframe for approved zoning permits to one (1) year (currently six [6] months).
- Expand authority for the Zoning Administrator to grant administrative extensions of approved special use permits and site plan review applications (rather than the need for Planning Commission approval, as is currently the case). In addition to the administrative extension authority granted by the Zoning Administrator, the Planning Commission may grant a further extension of an approved special use permit for an additional one (1) year. (Currently, approved special use permits and site plan review applications are limited to one [1], one-year extension, approved by the Planning Commission.

A public hearing was held on August 5, 2020, the Planning Commissioners unanimously directed staff to forward a recommendation of approve to the Board of Commissioners. No public comments were made at the hearing. The Amendment has been vetted by legal counsel.

Motion by Commissioner Warfield, seconded by Commissioner Newman, to adopt

CHEBOYGAN COUNTY ZONING ORDINANCE
AMENDMENT #157

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 RELATIVE
TO THE EXPIRATION OF SPECIAL USE PERMITS, SITE PLAN REVIEW APPROVALS AND
ZONING PERMITS

Section 1. Amendment of Section 18.12.

Section 18.12. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 18.12. EXPIRATION OF SPECIAL USE PERMIT

- a. An approved special use permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Zoning Administrator for an administrative extension prior to the expiration of the special use permit. The Zoning Administrator may grant one (1) administrative extension of an approved special use permit for an additional one (1) year period if it is found that:
 1. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner.
 2. The Zoning Regulations applicable to the special use permit development have not significantly changed and the standards for approval that are reasonably related to the development have not changed.
 3. The property subject to the special use permit is being used in full compliance with all of the terms and conditions of the approved special use permit.
- b. In addition to the administrative extension granted by the Zoning Administrator under Subsection (a), above, the Planning Commission may grant a further extension of an approved special use permit for one (1) year if it finds that the standards in subsections a.(1), (2) and (3), above, are satisfied.
- c. If the special use permit expires pursuant to subsection (a) or (b) above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the required procedures for a new special use permit.

Section 2. Amendment of Section 20.16.

Section 20.16. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 20.16. EXPIRATION OF SITE PLAN REVIEW

- a. An approved site plan review shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Zoning Administrator for an administrative extension prior to the expiration of the approved site plan review. The Zoning Administrator may grant one (1) administrative extension of an approved site plan review for an additional one (1) year if it is found that:
 - 1. The property owner or applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner.
 - 2. The Zoning Regulations applicable to the site plan review development have not significantly changed and the standards for approval that are reasonably related to the development have not changed.
 - 3. The property subject to the site plan is being used in full compliance with all of the terms and conditions of the approved site plan.
- b. In addition to the administrative extension granted by the Zoning Administrator under Subsection (a), above, the Planning Commission may grant a further extension of an approved site plan review for one (1) year if it finds that the standards in subsections a.(1), (2) and (3), above, are satisfied.
- c. If the site plan review expires pursuant to subsection (a) or (b), above, no work pursuant to the site plan review approval may be undertaken until a new site plan review is obtained from the Planning Commission following the required procedures for a new site plan review.

Section 3. Amendment of Section 21.4.

Section 21.4. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 21.4. EXPIRATION OF ZONING PERMIT

If substantial construction as authorized by a zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire, unless a written request for extension is submitted to the Zoning Administrator for a one (1) year extension prior to the date of zoning permit expiration.

Section 4. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Administrator Jeff Lawson presented the MDOT Project Authorization 2017-0032/P12/R2-FY 2020 Specialized Services Operating Assistance Program. The purpose of Revision 2 is to provide additional funding rate language and extend the authorization term by approximately one (1) year.

Motion by Commissioner Sangster, seconded by Commissioner Matelski, to approve MDOT Project Authorization 2017-0032/P12/R2 FY 2020 Specialized Services Operating Assistance Program, authorize the Chair or Administrator to sign electronically and authorize any necessary budget adjustments. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Veterans Director Rick Wiles presented the FY2021 County Veteran Service Fund Grant. This application was to apply for the FY 2021 County Veteran Service Fund (CVSF) grant through

Michigan Veterans Affairs Agency (MVAA), which requires a Board signature. Requesting State Grant of \$27,000 to supplement the County's Soldiers Relief Fund and the County's Veteran Assistance Fund. The purpose of the grant is to enhance and improve veteran service operations to connect veterans to federal benefits including aide to peacetime veterans. The extra financial assistance opportunities will help increase outreach. It will give those applying, contact time with an accredited service officer capable of reviewing their current benefits and/or discussing new benefits the veteran may qualify for or may have not realized they could receive. The grant will be capped at no more than \$1,200 per FY per veteran household for peacetime veterans and \$750 per FY per veteran household for wartime veterans. This grant will be used in conjunction with both the Soldiers Relief Fund and Veteran Assistance Fund. It can also be used as a standalone fund when those funds are exhausted or unavailable. The initial grant application must be sent to MVAA on or before 5 P.M. on September 1, 2020.

Motion by Commissioner Newman, seconded by Commissioner Matelski, to approve the submittal of MVAA Grant Applications, authorize Board Chair to sign necessary Agreements and authorize any necessary budget adjustments. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Administrator Jeff Lawson presented the FY2019-20 Hazardous Materials Emergency Preparedness Grant (HMEP) Replacement Grant Agreement. Cheboygan County was a recipient of the Fiscal Year (FY) 2019-20 Hazardous Material Emergency Preparedness Grant (HMEP) through the agreement with Charlevoix, Emmet, and Cheboygan (CCE). Since the program is no longer combined, Cheboygan County has received a replacement grant agreement for its portion of the grant. The agreement is for \$1,500 in federal funding through the Michigan State Police and includes a \$375 in-kind match, which will be a portion of the Local Emergency Management Coordinator's time.

Motion by Commissioner Tryban, seconded by Commissioner Wallace, to approve the submittal of the replacement grant agreement for the Fiscal Year (FY) 2019-2020 Hazardous Materials Emergency Preparedness Grant (HMEP) and authorize the Chair to sign. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

BOARD MATTERS FOR DISCUSSION

Commissioner Newman questioned what was happening with the dissolution of the OEM. Administrator Lawson commented that all of the physical assets were distributed to each agency. As far as the larger ticket items, we received back a golf cart, which was being sold to another agency with the proceeds coming back into the county. There were a couple vehicles sold here at auction with those still pending. Emmet County is handling the auction and as soon as those are sold the funds will be distributed. The County will see what the balance is on the final costs for OEM and clear the books for all of the agencies.

Commissioner Warfield commented on his concerns of the Sheriff Departments staff. In light of what's going on in the country regarding attitudes towards law enforcement and concerns, he has reached out to the Sheriff at least once a month for the past three (3) months with his personal concerns regarding the moral amongst the Sheriff's Department staff. He questioned if this might not be a good time as a body representing the community to reaffirm the community support toward our law enforcement staff and perhaps this might be an appropriate thing to consider moving forward.

CITIZENS COMMENTS

Karen Johnson citizen of Inverness Township commented on the recent loss of Commissioner Gouine who will be greatly missed and she asked for a moment of silence. A moment of silence was taken. She spoke on an issue that has been going on for the past three (3) or four (4) years in Cheboygan County. The Solid Waste Management Plan has had no movement and continually falls off the agenda. This has been old business for four (4) years and needs to be addressed by Cheboygan County per the requirements of the Plan. For three (3) plus years, she has personally dealt with the worst violations of the zoning ordinance by an individual waste hauling company. She appreciated the efforts put forth by the county in the beginning, although, there were still many violations to be addressed. The County's Administrator and Civil Counsel have indicated to her that there needs to be more evidence to move further on this matter. She has been waiting for a letter with the additional evidence that was required and has not yet received it. The Zoning Enforcement Officer has supplied a lot of evidence, although, it has come to her attention that the Zoning Officer has had his hands tied by administration indicating that he is no longer allowed to visit the property in violation. The Zoning Enforcement Officer has done an impeccable job. Multiple violations do exist and the County has an obligation to enforce these zoning ordinances without interference from administration. She asked the Board of Commissioners to protect the welfare and safety of the citizens of this area and provide direction to administration to move forward with amending the Solid Waste Management Plan as well to direct administration to pursue legal action in regard to the multiple zoning ordinance issue on the property. There were monies put aside in the budget at one time to address the Solid Waste Management Plan. As far as the violations, it is unacceptable to allow the worst zoning violations in the County's history to continue to operate. She thanked the Sheriff for continuing forward with the Blight Ordinance, which would be a great thing for the County.

Commissioner Wallace asked staff to look into this.

Louise Vallance citizen of Grant Township commented on Blight Ordinance stating that Cheboygan County has 27 contaminated sites throughout the County that needs to be addressed from a 2018 list. He also commented on the opening of schools stating that all students should be doing in person learning. Families are paying taxes for in person learning and not virtual learning. No school in Cheboygan County should be going virtual. With the virtual learning, SRR should not be supplying limited transportation. The southeastern part of the County feels more like Presque Isle County than Cheboygan County. A lot of people in that area go to Onaway for everything versus coming to Cheboygan. SRR needs to be supplying more routes in that area.

BOARD MEMBER COMMENTS

Each of the Board of Commissioners took turns to welcome Ron Williams to the Board.

Motion by Commissioner Sangster, seconded by Commissioner Newman, to adjourn to the call of the chairperson. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent. Meeting adjourned at 11:29 a.m.

Karen L. Brewster
County Clerk/Register

John B. Wallace
Chairperson of the Board of Commissioners