

**Cheboygan County Board of Commissioners
Committee of the Whole Meeting
February 28, 2017**

The Committee of the Whole meeting of the Cheboygan County Board of Commissioners was called to order in the Commissioners Room by Chairperson Tony Matelski at 9:30 a.m.

Roll called and a quorum present.

PRESENT: Commissioners Chris Brown, Richard Sangster, Michael Newman, Cal Gouine, Tony Matelski, and John Wallace.

ABSENT: Commissioner Robert Bolinger

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

Motion by Commissioner Brown seconded by Commissioner Sangster to approve the agenda as presented. Motion carried with 6 yes, 0 no and 1 absent.

CITIZENS COMMENTS

Carl Muscott, citizen of Tuscarora Township congratulated Thom Wissner on his retirement of 36 years of employment with Cheboygan County. He commented on the Planned Unit Development District. It looks like the Community Development Department was asking to be excused from the Planned Unit Development process. Emmet County has been more successful in the PUD. Ideally, this was how they would of approached the Meijer Project here in Cheboygan County. First, to have the planning done and then to know how the infrastructure was going to be set. When the Board of Commissioners get involved, it creates better planning.

SCHEDULED VISITORS/DEPARTMENT REPORTS

Prosecuting Attorney Daryl Vizina introduced himself and the rest of his Staff. He stated that a couple weeks ago, he introduced part of his staff, so this is the other half. Legal Secretary Julie Rettell has been with the prosecutor's office for as long as he had been in the office and for a little while before he was elected. She works primarily under Attorney Fred Feleppa on District Court cases. Jessica Farver, works in his office as the Child Support Specialist. She deals with the establishment of paternity and also establishment of support where the state was paying for children who are born or there's some sort of child support out there that the state was paying. It was her job within the office to seek out those individuals who are not active in their children's lives or paying child support and it's her goal to get them to pay support back to the state, so that the taxpayers aren't expending money on these children. Attorney Fred Feleppa joined the office in December 2015. He was the Chief Assistant Prosecuting Attorney, a position that was held for many years by Tony Damiano before he retired. Before

coming to Cheboygan County, Feleppa was elected Prosecuting Attorney in Mackinaw County for 6 years. He also worked in private practice for a period of time. He handles primary the misdemeanor docket, felony cases, and, occasionally, handles some cases in Probate Court.

Commissioner Matelski stated certificates of appreciation would be presented to four individuals who will be leaving county government for various reasons, including retirement.

Commissioner Matelski presented a Certificate of Appreciation to Senior Property Appraiser Thom Wissner for his 36 years of service with Cheboygan County.

Commissioner Matelski presented a Certificate of Appreciation to Del Reynolds of the Cheboygan County Airport Authority Board for his years of service.

Darl Taylor and Colette Andres of the Cheboygan County Fair Board were not present.

ADMINISTRATOR'S REPORT

Administrator Jeff Lawson handed out a letter regarding the update on the Heritage Cove Farms from the Court of Appeals.

Administrator Jeff Lawson stated that they have been contacted by the State of Michigan regarding a Michigan Indigent Defense Commission that was formed over the last couple of years and these are new standards coming from the state that would have to be met in the court systems for the defense. Finance Director Kari Kortz was asked to put some numbers together for the general cost for 2011 - 2013 time periods. A report will be put together as to how they will meet these new standards. The state expects that these will be approved by the end of April and then the County would have approximately six months to put its plan together and submit it to the state. If it is approved, they would cover any cost difference between the average cost of providing the attorneys and the new costs. He stated that this is something that has been talked about at the state level probably going back to 2012. Periodic information had been received from MAC on that topic, but now it's all coming together at the state level and the county would have to comply with these new rules. Judge Pavlich would be handling it from the court level and then would work within the staff to set up and meet these standards.

Administrator Jeff Lawson reported that the Jail Expansion study draft has been completed and the staff will be meeting next week.

OLD BUSINESS - None

NEW BUSINESS

Cheboygan County Undersheriff Tim Cook presented the Cheboygan County Sheriff Department which was requesting the Cheboygan County Board of Commissioners approval of the purchase of two (2) Ford Police Interceptor 2017 vehicles. One was to be used as administrative or undercover car and one to be used as the detective and undercover car. In the 2017 budget, there had been an allocation of \$60,000 for the purchase of new patrol vehicles for the department. The two new vehicles came in at \$60,617. They were looking at a trade in, but there's been a change to the trade in at the county administrator level.

Finance Director Kari Kortz explained the purchases. The Sheriff's Department collected bids for the two vehicles from both the Macomb County State of Michigan Equipment and Fernelius Auto Group. Fernelius' bid was \$98 over the state bid, but the sheriff's department chose to go with awarding the bid to the Fernelius in order to keep the business local. The trade's considered were a 2010 Ford Escape with a little under 70,000 miles on it. This vehicle had a bad transmission in it, but when the county looked at the Kelly Blue Book Value, it was determined it would be more cost effective to fix the issue and put the vehicle back into rotation somewhere in the country car pool. It would then get rid of another vehicle somewhere in the car pool that was in worse shape. They have some vehicles like right now they were considering getting rid of a 2007 Jeep Liberty that had over 200,000 miles on it. They were only going to give them \$2,000 for a trade in because of the transmission problem and it booked out between \$5,000 - \$8,000 if the transmission was in working order. They believed that it would be good to keep the newer Ford vehicle, repair the transmission and get rid of the Jeep. It would cost \$3,000 - \$5,000 to fix the Ford Escape and put it back into the rotation. That vehicle would then be given to SRR after getting the transmission fixed to replace the Jeep Liberty. Typically, the sheriff's department purchases two vehicles annually, putting around 100,000 miles on the vehicles a year. The department tried to replace the oldest vehicles first, keeping the best vehicles on the road for the health and safety of the deputies and the public.

Motion by Commissioner Sangster seconded by Commissioner Gouine to allow the purchase of two (2) Ford Police Interceptor vehicles from Cheboygan Fernelius Auto Group from the approved 2017 Budget line item #101-301-977.60 and authorize the necessary budget adjustments. Motion approved 6 yes, 0 no and 1 absent.

Finance Director Kari Kortz presented the Marine Safety Program Grant Application 2017. Annually the Cheboygan County Sheriff Department submits an application for the Marine Safety Grant Program. This grant application is requesting reimbursement for wages and fringe benefits related to patrol hours worked by the full-time Recreation Sergeant and four part-time seasonal Marine Deputies at an estimated cost of \$78,327. Also this grant application requests reimbursement for patrol vehicle usage, patrol boat usage, materials and supplies and other services related to the operation of the Marine Safety Department at an estimated cost of \$26,400. The reimbursement was based on a statewide needs study conducted by the Michigan DNR. Local match was required

for the difference between the amount requested and the amount granted, based on the needs study; the 2016 local match was 51.16% - \$51,226.90 (including \$15,675.34 of capital outlay for a new board motor). She stated that this grant would secure funding for a portion of the Marine Safety Program operations already included in the 2017 budget and was due March 1, 2017. The department typically receives donations of around \$10,000 for the Marine Safety Department from the different lake associations around Cheboygan County. The money was used for additional patrols around the Inland Lakes, including Mullett and Burt Lake. Deputies use jet skis to patrol around the lake associations properties to make sure that people are complying with the laws. Donations from the lake associations pays for the wages and fringe, as well as fuel and travel to and from the lake.

Motion by Commissioner Brown seconded by Commissioner Sangster to submit the 2017 State of Michigan Marine Safety Program Grant, authorize the Sheriff to sign the application and all future forthcoming documentation after review and approval by the Finance Director and legal counsel if applicable. Motion carried with 6 yes, 0 no and 1 absent.

BOARD MEMBER MATTERS FOR DISCUSSION

Community Development Scott McNeil presented the Planned Unit Development Zoning Ordinance Language – Draft Proposal. They were requesting discussion with the Board of Commissioners prior to proposing a formal ordinance amendment because of the extent that this changes the county's traditional zoning process. The proposed amendment offers an approval process called a Planned Unit Development (PUD). This proposed PUD option would allow for uses to be approved on a parcel that wouldn't normally be allowed under that parcel's zoning district regulations. This is a significant change to zoning because, as it stands now, to get permission to conduct a land use that isn't allowed under the current zoning district would involve a zoning amendment which, as you know, requires a law change and approval by the Board of Commissioners.

A PUD provides for a mixing of new uses to be approved if the applicant can show how the new use is compatible with surrounding land uses and is paired with additional open space, screening, or other improvements that ensure compatibility with surrounding land uses.

Since new land uses, which require a rezoning must currently be decided upon by the Commissioners and the PUD amendment as currently proposed would change the zoning to PUD District, they were seeking input on a change that would allow the Planning Commission to make this decision. Does the Board prefer to keep the ability to approve new land uses not currently allowed on a parcel or would they be comfortable with the Planning Commission, under a new ordinance, making these decisions? Legal Counsel is suggesting that these types of decisions regarding PUD's should be made by the Planning Commission rather than the Board of Commissioners.

COMMITTEE OF THE WHOLE – February 28, 2017

Currently Article 19 of the zoning ordinance regarding PUD's only allows uses which are allowed in the zoning district in which the PUD was proposed. This proposed amendment completely rewrites article 19 pursuant to the adopted goal in the Master Plan.

Commissioner Brown stated that PUD's were complex things, but having that process available can be helpful when having areas to promote growth in. The buck would still stop with the Board of Commissioners. They would have the authority to approve it or not approve because it would be changes within the zoning. The Board of Commissioners could expedite those processes by having the Planning Commission to first review the request under a normal planning ordinance and then give the Board the opportunity to get involved in it. If it had to go thru the normal Planning Commission review stages, it could be tied up for six months.

Commissioner Sangster expressed concern about having commissioners taken out of the process. He stated that the thing that worried him was they would have unelected bureaucrats making decisions.

Administrator Lawson stated that legal counsel was saying to place it in a planning and development process just with the Planning Commission and not rezoning because rezoning have to go thru a two step process. There would be the recommendation from the Planning Commission and then the final decision from the Board of Commissioners. Legal counsel relayed that there might be some liability from the Board of Commissioners reviewing it. He stated that some units do it that way and some do not, but the process and level of review was different. So the Planning Commission can make that decision. As far as any appeals, there could be a variance appealed, but usually in a situation if the process was not working properly, they would go be back and redraft the language to change the process.

Commissioner Wallace stated that he was concerned about having a non-elected board making the final decision.

Commissioner Matelski stated that the consensus of the Board was that they want to be the final arbitrary based on how it was presented.

Administrator Lawson stated that he would report that back to legal counsel.

CITIZENS COMMENTS - None

BOARD MEMBER COMMENTS

COMMITTEE OF THE WHOLE – February 28, 2017

Commissioner Matelski stated that the Board needs to determine a date for a Board Planning Session and suggested April 25th. There was a Board consensus on that date. Discussion was held on the topics to be put on the agenda.

Commissioner Sangster stated that he had spoken with the Administrator regarding IT and the county's webpage. There were comments from several townships that didn't have webpages and he wondered if there was a substantial cost. He questioned the possibility of offering this service to the smaller townships. It might be cheaper for them to parallel with the county's webpage.

Commissioner Brown suggested that the County Directory be put on as an electronic version on the county's website and create an open public meetings page.

Administrator Lawson stated that there was public comment asking about the townships who did not have a webpage or calendar. One level would be to make an active calendar where the county could populate their open meetings. The second level would be to make the county directory available on the website as an electronic version. The third level, which would tie into the EDC where there are other jurisdictions in Northern Michigan where they would talk to the townships bandwidth and purchase from a centralized county pool and then aggregate that out. This was a different conversation, but leads to coverage or if lack of coverage, they could talk about these issues.

Commissioner Matelski received a telephone call from the DNR - Little Traverse Conservancy regarding trading land and they wanted to know the consensus of the Board. He stated that the county would lose approximately 40 acres and the land swap would result in these parcels coming off of the tax rolls. Discussion was held on the proposed land swap on parcels located in Hebron and Waverly Townships.

Commissioner Matelski stated that the consensus of the Board was that they opposed the land swap.

Administrator Lawson stated he would draft a letter to the DNR – Little Traverse Conservancy reflecting the Board's position.

Motion by Commissioner Gouine seconded by Commissioner Sangster to adjourn to the call of the chairperson. Motion carried with 6 yes, 0 no and 1 absent. Meeting adjourned at 10:28 a.m.

Karen L. Brewster
Cheboygan County Clerk/Register

Anthony M. Matelski
Chairperson