

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS  
FINANCE/BUSINESS MEETING  
March 13, 2012**

The regular meeting of the Cheboygan County Board of Commissioners was called to order in the Commissioners Room by Chairperson Linda Socha at 9:30 a.m.

Roll called and a quorum present.

**Present:** Commissioners Linda Socha, Don Horrocks, Pete Redmond, Cal Gouine, Tony Matelski, John Wallace, and Sue Allor

**Absent:** None

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

Commissioner Allor requested Item 5D-4 Alger County and Oakland County Resolutions in Opposition to the Early Release of Violent Offenders by the Michigan Department of Corrections be removed from the Consent Agenda and add to New Business for discussion.

**Motion** by Commissioner Matelski, seconded by Commissioner Allor, to approve the agenda as amended. Motion carried with 7 yes, 0 no and 0 absent.

**Motion** by Commissioner Matelski, seconded by Commissioner Gouine, to approve the consent agenda as follows:

- A. Approve Monthly Finance Claims – Finance = \$29,494.84 - Prepays = \$673.752.70
- B. Budget Adjustments – Raise Revenues & Expenditures - Fund 101 Dept. 301 total budget increase of \$257; Fund 262 Sheriff's Special Projects Fund total budget increase of \$1014.66
- C. 2012 Fairgrounds Events
  1. North Country Animal Assisted Therapeutic Program
  2. Fair Board Mud Run
  3. 4-H Horse and Small Animal Shows
  4. Proud Equestrian Program Camp
  5. Cheboygan County Equine Youth & Family Horse Shows
  6. Relay for Life
  7. Animal Shelter Garage Sale
  8. Conservation District Tree Sale
- D. Correspondence
  1. DEQ Air Quality Division's Pending New Source Review Application Report
  2. City of Cheboygan Notice of Public Hearing Regarding DDA Plan & Tax Increment Financing Plan
  3. NEMCOG - Notice of Intent by Top of Michigan Trails Council to Apply for Federal Assistance from USDA
  4. ~~Alger County and Oakland County Resolutions in Opposition to the Early Release of Violent Offenders by the Michigan Department of Corrections (Moved to New Business)~~
  5. Huron County Resolution in Support of Proposed Legislation HB 5278 and HB 5279
  6. Oceana County Resolution Regarding Foreign Worker Program
  7. MSUE Leadership Program
- E. Minutes:
  1. Business Meeting of February 14, 2012 and Committee of the Whole Meeting of February 28, 2012
  2. Health Board – 1/17/12
  3. North Country Community Mental Health Board – January 19, 2012
  4. Michigan Northern Counties Association – January 16, 2012
  5. NMSAS Board of Directors – January 9, 2012
  6. NEMCSA Board of Directors – February 3, 2012
  7. Cheboygan County Soil Conservation – December 28, 2011
  8. Cheboygan County Road Commission – February 2, 2012 and February 16, 2012
  9. Cheboygan City Council – January 24, 2012

## Finance/Business Meeting – March 13, 2012

10. Planning Commission Meeting – February 1, 2012 ad February 15, 2012
11. ZBA – January 25, 2012

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

### **CITIZENS COMMENTS** – None

**SCHEDULED VISITORS** – Chairperson Socha introduced Lt. Ken Mills from SANE. Lt. Mills told the board he truly enjoys working with numerous law enforcement agencies throughout Northern Michigan. Lt. Mills presented a plaque to Jeremy Runstrom noting his accomplishments while working for SANE the last three years. Deputy Runstrom thanked the Sheriff, Undersheriff and Lt. Mills for the opportunity to serve on SANE and said he values his service and the connections he made during that time. Chairperson Socha conveyed the Board's thanks to Deputy Runstrom as well.

**FINANCE DIRECTOR'S REPORT** - Finance Director Kari Kortz presented the revenue and expenditures report for the General Fund for the month ended January 31, 2012. She reported total year-to-date revenue of \$318,774.82 versus \$309,497.46 last year at that time. Ms. Kortz reported expenditures year-to-date of \$727,712.05, or 6.90% of budget, compared to \$758,772.25 last year as of the end January.

**ADMINISTRATOR'S REPORT** – Administrator Lawson's asked if there were any questions in regards to his written report, which included information regarding the Cheboygan Trailblazers' draft agreement for construction of a building at the fairgrounds, the Humane Society building project draft agreement, the Building Safety Project Phase I, Straits Regional Ride/Straits Area Services draft agreement, Tuscarora Township's proposed sewer project financing through the County Department of Public Works, and the Lake Huron Watershed Community Collaboration. Chairperson Socha thanked Mr. Lawson for his report and stated he has a lot of major projects in the works.

### **COMMITTEE REPORTS**

Commissioner Allor attended two North Country Community Mental Health Board meetings and reported taking over NMSAS was discussed, and the North Country Director requested county commissioners in attendance not to sign any resolutions from NMSAS. She also attended a District #4 Health Board meeting and said home nursing stats continue to decline and they are looking for improved marketing. She reported attending the Wilmot Township meeting; the board is not happy with the road commission and would like to see districting occur. She noted the Rapid Response training was very impressive and it was interesting to watch the responses of law enforcement. She distributed info on 2-1-1, a program started in many other counties that connects people in need with people who can help and a Guide to Programs Operated by NEMCSA. She appreciated emails received from Greg Williams to keep commissioners up to date during the recent snowstorm.

Commissioner Gouine attended several meetings and noted the Fair Board is still unsettled regarding their requests from last August and would like to have a meeting.

Commissioner Matelski attended two Planning Commission meetings, two Road Commissioner meetings, three township meetings, the Rapid Response training, the local Michigan Townships Association meeting, and a ZBA meeting. He said he enjoyed the Rapid Response training. He also commented that the road commission did a pretty good job during the recent snowstorm. He talked with PIEG and they told him they did not have problems getting down roads for repairs like they did in other counties.

Commissioner Horrocks attended the Michigan Northern Counties meetings where a straw vote was taken that almost one hundred percent favored districting for road commissioners and 100% of the counties present did not favor counties taking over road commissions. Also there was discussion about courts regarding taking over the wages of the judges and letting the cost of the office be the responsibility of the state. He attended the NEMCSA meeting presentation on communities marketing. He noted the Humane Society was happy to get started on their building project.

Commissioner Wallace distributed the 2011 NMSAS Annual Report for review. He said he also has a copy of the NMSAS Audit and gave it to the Administrator for his file.

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Commissioner Redmond attended the District #4 Health Board meeting and said after the meeting they toured a recently purchased building to house the Health Department and MSUE and one other entity in Presque Isle County. He said he also attended the Rapid Response training and the Benton Township meeting.

Commissioner Socha reported attending the Mackinaw and Hebron Township meetings, the County Remonumentation Peer Group meeting, and the Planning Commission meeting. She commended Greg Williams for his reactions and direction during the recent snowstorm; he did a fantastic job of coordinating. She also commended 9-1-1, the Sheriff's Department, and the Road Commission. Everyone involved did a very good job. Sheriff Clarmont said Greg Williams kept him informed also and coordinated not only at the local level, but at the state level as well.

**OLD BUSINESS** – None

**NEW BUSINESS**

Community Development Planner Scott McNeil presented and explained three amendments to the County Zoning Ordinance. Amendment #107 would allow truck terminals or warehouses as uses which require a special use permit in the Commercial Development (D-CM) zoning district.

**Motion** by Commissioner Matelski, seconded by Commissioner Allor, to adopt the following:

**Zoning Ordinance Amendment # 107**

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 TO ADD TRUCK TERMINAL OR WAREHOUSE AS USES REQUIRING A SPECIAL USE PERMIT IN THE COMMERCIAL DEVELOPMENT (D-CM) ZONING DISTRICT.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS:

**Section 1. Amendment of Section 2.2.**

Section 2.2 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following definitions in their appropriate alphabetical locations, which new definitions shall read in their entirety as follows:

**TRUCK**

Any motor vehicle with a gross vehicle weight rating more than 26,000 pounds designed to carry or otherwise transport property or a motor vehicle designed to serve as a power unit to draw a truck trailer and is designed to accommodate a gross combination weight rating more than 26,000 pounds when combined with a truck trailer.

**TRUCK TERMINAL**

A premises used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of trucks.

**TRUCK TRAILER**

Any vehicle without the motive power used to carry or otherwise transport property so constructed that some part of its weight and that of its load rests upon or is carried by a truck.

**WAREHOUSE**

The principal building on a lot or the principal use of land for the storage and distribution of products and supplies for commercial or industrial purposes.

**Section 2. Amendment of Section 6.3.**

Section 6.3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new subsection 6.3.15. which shall read in its entirety as follows:

6.3.15. Truck Terminals or Warehouses subject to the requirements of Section 17.26.

**Section 3. Amendment of Article 17.**

Article 17 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 17.26, which shall read in its entirety as follows:

**17.26 TRUCK TERMINALS OR WAREHOUSES**

In addition to meeting the general standards for special use permit approval under Section 18.7 of this Ordinance, a Truck Terminal or Warehouse use within the Commercial Development District shall comply with all of the following applicable supplemental regulations and standards:

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17.26.1. A truck terminal or warehouse shall provide a designated overnight parking area and a designated overflow parking area that are both screened by the truck terminal or warehouse building or by a fence or evergreen hedge no less than eight (8) feet in height located at the edge of the parking areas so that the parking areas are not visible from a public or private road or from an adjoining property. This screening requirement, however, shall not be required if the planning commission finds that because of the remote locations of the parking areas or the topography of the site the visual impact of the parking areas would not cause a substantial detrimental effect on adjacent properties.

17.26.2. No more than a total of eight (8) trucks and truck trailers in any combination may be parked outdoors in the designated overnight parking area.

17.26.3. No more than a total of three (3) trucks and truck trailers in any combination may be parked outdoors in the designated overflow parking area.

17.26.4. No outdoor storage of materials, truck or trailer equipment or parts, or truck cargo shall be permitted, unless placed within the screened overflow parking area as required in section 17.26.1.

17.26.5. Truck Terminals shall be located no closer than 1,000 feet from any other Truck Terminal.

17.26.6. Materials that are labeled flammable or explosive as regulated by the United States Department of Transportation pursuant to Title CFR 49 – Federal Code of Regulations, shall not be stored in a truck terminal.

**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.

**Section 5. Effective Date.**

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

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

Amendment #108 provides for single family dwelling and two family dwelling uses.

**Motion** by Commissioner Matelski, seconded by Commissioner Allor, to adopt the following:

**Zoning Ordinance Amendment #108**

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE No. 200 TO PROVIDE FOR SINGLE FAMILY DWELLINGS AND TWO FAMILY DWELLINGS AS PERMITTED USES IN, RESIDENTIAL DEVELOPMENT (D-RS), RURAL CHARACTER/COUNTRY LIVING (D-RC) AND AGRICULTURE AND FORESTRY MANAGEMENT (M-AF) ZONING DISTRICTS AND PROVIDE FOR SINGLE FAMILY DWELLINGS AS A PERMITTED USE IN THE LAKE AND STREAM PROTECTION (P-LS) ZONING DISTRICT.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

**Section 1. Amendment of Subsection 4.2.1.**

Subsection 4.2.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

4.2.1. Single Family Dwellings and Two Family Dwellings.

**Section 2. Amendment of Subsection 9.2.1.**

Subsection 9.2.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

9.2.1. Single Family Dwellings and Two Family Dwellings.

**Section 3. Amendment of Subsection 10.2.1.**

Subsection 10.2.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

10.2.1. Single Family Dwellings

**Section 4. Amendment of Subsection 14.2.1.**

Subsection 14.2.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

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14.2.1. Single Family Dwellings and Two Family Dwellings.

**Section 5. 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.

**Section 6. Effective Date.**

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

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

Zoning Ordinance Amendment #109 establishes maximum floor area for private storage building uses in Residential Development (D-RS), Lake and Stream Protection (P-LS), Mixed Residential Development (D-MR) and Rural Character/Country Living (D-RC) zoning districts.

**Motion** by Commissioner Matelski, seconded by Commissioner Redmond, to adopt the following:

**Zoning Ordinance Amendment #109**

AN ORDINANCE TO AMEND section 17.23.1.f. THE CHEBOYGAN COUNTY ZONING ORDINANCE #200 TO ESTABLISH MAXIMUM FLOOR AREA OF PRIVATE STORAGE BUILDINGS IN RESIDENTIAL DEVELOPMENT (D-RS), MIXED RESIDENTIAL DEVELOPMENT (D-MR), LAKE AND STREAM PROTECTION (P-LS) AND RURAL CHARACTER/COUNTRY LIVING (D-RC) ZONING DISTRICTS.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

**Section 1. Amendment of Section 17.23.1.f.**

Section 17.23.1.f. of the Cheboygan County Zoning Ordinance #200 is hereby amended to read in its entirety as follows;

- f. The total floor area of the foot print(s) of all private storage buildings on the same lot of record or on one or more contiguous lots of record under the same ownership, as recorded with the office of the register of deeds, shall comply with the following applicable requirements:
  - 1. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is two (2) acres or less, then the total floor area shall be no more than 1,600 square feet.
  - 2. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than two (2) acres but is three (3) acres or less, then the total floor area shall be no more than 3,200 square feet.
  - 3. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than three (3) acres, then the total floor area shall be no more than 6,000 square feet.

**Section 2. 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.

**Section 3. Effective Date.**

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

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

Finance Director Kari Kortz presented an amendment to the Department of Human Services Homemaker Contract which was approved last November. She said in February the Director of the Cheboygan County DHS office notified the County that the employee benefit costs related to the contract changed and therefore the Contract with the County had to be increased by \$1,125. The net cost to the County of this change is \$562.50.

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**Motion** by Commissioner Wallace, seconded by Commissioner Horrocks, to approve Amendment No. 1 to the Department of Human Services Homemaker Contract No. LRA-12-16001 to change the Contract Amount to \$46,550.92 from \$45,425.91. Motion carried with 7 yes, 0 no and 0 absent.

Sheriff Clarmont requested approval of the FY 2010 State of Michigan Operation Stonegarden Grant in the amount of \$87,861. This grant is a border patrol homeland security grant which the county qualifies for mainly because of the Mackinac Bridge. He said this grant is a non-matching grant for purchasing computer equipment, safety equipment and additional homeland security patrols.

**Motion** by Commissioner Redmond, seconded by Commissioner Horrocks, to approve the FY 2010 State of Michigan Operation Stonegarden Grant in the amount of \$87,861, make necessary budget adjustments and authorize the chair to sign any forthcoming required documentation after review by the Finance Director. Motion carried with 7 yes, 0 no and 0 absent.

**Motion** by Commissioner Matelski, seconded by Commissioner Gouine, to cancel the March 27, 2012 Board of Commissioners Committee of the Whole Meeting. Motion carried with 7 yes, 0 no and 0 absent.

Commissioner Allor commented on the Alger and Oakland County Resolutions in opposition to early release of violent offenders by the Michigan Department of Corrections. She said this matter should be looked at very seriously so as to avoid issues addressed in these resolutions.

**Motion** by Commissioner Allor, seconded by Commissioner Wallace, to adopt the following resolution, direct the clerk to distribute copies and the chair to sign:

**RESOLUTION # 12-07  
OPPOSITION TO THE EARLY RELEASE OF VIOLENT OFFENDERS  
BY THE MICHIGAN DEPARTMENT OF CORRECTIONS**

**WHEREAS**, recent events of violence against Michigan residents by parolees of the Michigan Department of Corrections have alarmed citizens and public officials; and

**WHEREAS**, according to reports in the Oakland Press on November 10, 2011 a homeless couple, both convicted felons, beat and murdered a Royal Oak woman in order to steal the woman's ATM card. The man accused of the murder was sentenced to 5-20 years for home invasion. He was paroled September 29, 2010 despite past encounters with the law for rape and arson; and

**WHEREAS**, the same Oakland Press article reports that on November 18, 2011, also in the City of Royal Oak, a 54 year old Detroit man was arrested for attempting to break down the front door of a resident, who was home at the time. The suspect had just gotten out of prison six days earlier. The suspect, who had a long record of burglaries and theft, had served the minimum a of 3-30 year sentence; and

**WHEREAS**, the Oakland Press also reports that in the City of Ferndale a man out of prison only six days is alleged to have beaten and robbed a man in his Ferndale home on October 31, 2011. The suspect had been sentenced to 8-20 years in 2002 and was paroled in October of 2011; and

**WHEREAS**, the Oakland County Prosecutor, along with several other prosecutors have had to sue the Michigan Department of Corrections for information on potential parolees; and

**WHEREAS**, prosecutors statewide have gone to court to protest the pending parole of inmates considered to be dangerous.

**NOW THEREFORE BE IT RESOLVED** that the Cheboygan County Board of Commissioners urges the Michigan Department of Corrections to review criteria used to determine eligibility for parole of violent and repeat offenders. We oppose the practice of releasing violent and repeat offender inmates near the minimum end of their sentence.

**BE IT FURTHER RESOLVED**, that the Cheboygan County Clerk forward copies of this resolution to the Governor, Director of the Michigan Department of Corrections, the Cheboygan County Legislative Body and all Michigan Boards of Commissioners.

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

## Finance/Business Meeting – March 13, 2012

**Motion** by Commissioner Matelski, seconded by Commissioner Horrocks, to receive and file the Alger and Oakland County Resolutions in Opposition to the Early Release of Violent Offenders by the Michigan Department of Corrections. Motion carried with 7 yes, 0 no and 0 absent.

**CITIZENS COMMENTS** – Nunda Township Supervisor John Moore said notification has been received from FEMA that the new floodplain maps are ready and may be presented at the MTA meeting later this month. Chairperson Socha said there will be more to come on a draft agreement to work with Steve Schnell. She said the county plays apart in this also.

Mullett Township Supervisor Bill Morgan said Wade Trim is in the final stages in the design of the gravel driveway and parking with a concrete slab for handicapped and sidewalk at the park on Boy Scout Road.

County Treasurer said if a property is in a platted subdivision and the adjacent parcel is metes and bounds, they cannot be combined for one tax bills. Commissioner Socha said there has been a clarification on contiguous property.

Prosecutor Daryl Vizina updated the board on the boats in Duncan Bay. He said in 2011 Mr. Stivers plead guilty with a delay of sentence to provide him 6 months to remove the three boats. One of the boats has been removed. The delay of sentence expired March 1<sup>st</sup> and Mr. Stivers will be sentenced tomorrow, March 14, 2012. Mr. Vizina said the DNR, Coast Guard and Army Corps of Engineers do not want the boats. Chairperson Socha added the county does not want the boats. Mr. Vizina said there was a third party who has taken these types of boats to Wisconsin for scrap. Unfortunately according to the Coast Guard the boats cannot be moved, so this person is no longer interested. Mr. Vizina said he will recommend the boats remain in Mr. Stivers' ownership and he remove them. Discussion held.

**BOARD MEMBER COMMENTS** – Commissioner Wallace said at the Northeast Consortium he received a list of all the counties in Michigan of the amount of federal extended benefits to be exhausted. He pointed out there are 96 people that failed to qualified for the extended benefits in Michigan.

**Motion** by Commissioner Redmond, seconded by Commissioner Hor rocks, to go into closed session pursuant to Section 8(h) of the Open Meetings Act, being MCL 15.268(h), to consider the written memo from our attorney dated January 31, 2012, which is exempt from disclosure by Section 13(1)(g) of the Michigan Freedom of Information Act, being MCL 15.243(1)(g), since this memo is subject to the attorney-client privilege. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Went into Closed Session at 11:27 a.m.; returned to Open Session 11:59 a.m.

**Motion** by Commissioner Redmond, supported by Commissioner Matelski, to authorize legal counsel to negotiate the amendment of the lease between the County of Cheboygan and the State of Michigan, being State Lease #10456 signed by the State on February 20, 1997 with the addendum signed on April 30, 1998 to reflect that the State shall pay all operating expenses as adjusted beginning with the period of October 1, 2010 through September 30, 2011 through the balance of the lease, including its application to future renewals, with both parties to the lease being under no obligation to compensate the other in any manner as it pertains to payments made and financial obligations under the lease. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Administrator Lawson said adjustments for maintenance can be made in 2017.

**Motion** by Commissioner Matelski, seconded by Commissioner Horrocks, to adjourn to the call of the Chair. Meeting adjourned at 12:03 p.m.

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Mary Ellen Tryban  
Cheboygan County Clerk/Register

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Linda Socha  
Chairperson